S. Hrg. 98-203

PROPOSED ADDITIONS TO THE NATIONAL PARK SYSTEM AND MISCELLANEOUS PUBLIC LAND LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 287, S. 345, S. 542, S. 565, S. 680, and H.R. 1213

APRIL 7, 1983

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Committee on Energy and Natural Resources

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PROPOSED ADDITIONS TO THE NATIONAL PARK SYSTEM AND MISCELLANEOUS PUBLIC LAND LEGISLATION

THURSDAY, APRIL 7, 1983

U. S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room SD-366, Dirksen Office Building, Hon. Malcolm Wallop presiding.

Present: Senator Wallop.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. Good morning.

The Subcommittee on Public Lands and Reserved Water will hear testimony today on the following bills and acts: S. 287 to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

S. 345 to establish a national historic park at AfricaTown, U.S.A.—Prichard and Mobile, Ala.

S. 542, to amend the act of July 15, 1968—82 Stat. 356—Public Law 90-401 to include units of the National Forest System within the provisions of the act and for other purposes.

S. 565 to require the Secretary of the Interior to enter into an agreement with the State of North Carolina with respect to the repair and maintenance of a certain highway of such State located within Cape Hatteras National Seashore Recreation Area.

S. 680, the Gladys Noon Spellman Parkway.

H.R. 1213, the Public Lands and National Parks Act of 1983. Without objection, I will place a copy of each of these bills and the act into the hearing record.

[The texts of the bills and act follow:]

II

98th CONGRESS
1st Session

S. 287

To establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 31 (legislative day, January 25), 1983

Mr. Eagleton (for himself and Mr. Danforth) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the inspiration and benefit of present and future generations the former home of Harry S Truman, thirty-third President of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or otherwise, the residence and real property known as 219 North Delaware Street in the city of Independence, Missouri, as passed to Bess Wallace Truman upon the death of her husband. The Secretary may also acquire, by any of the above means, fixtures, and personal property for use in connection with the residence.

SEC. 2. The property acquired pursuant to subsection (a) is designated as the Harry S Truman National Historic Site and shall be administered by the Secretary in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary is further authorized, in the administration of the site, to make available certain portions thereof for the use of Margaret Truman Daniel subject to reasonable terms and conditions which he may impose.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

II

98TH CONGRESS
1ST SESSION

S. 345

To establish a national historic park at AfricaTown, U.S.A. (Prichard, and Mobile), Alabama.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (legislative day, JANUARY 25), 1983

Mr. HEFLIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish a national historic park at AfricaTown, U.S.A. (Prichard, and Mobile), Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds AfricaTown, U.S.A. (Prichard, and Mobile), Alabama, is of international importance for the people of the world—

(1) in illustrating the last recorded landing of Africans in the Western Hemisphere for the purpose of slavery; and

(2) in projecting the international commitment to human rights by ending slave trade.

SEC. 2. To preserve and interpret to the public the historic properties at and near AfricaTown, U.S.A. (Prichard, and Mobile), Alabama, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to establish the AfricaTown National Historical Park and District. The park and district shall be comprised of those sites, building structures, objects, and natural features on or adjacent to areas that the Secretary in his discretion deems to be of cultural and historical significance. The Secretary shall establish the park and district by publication of a notice to that effect in the Federal Register when he deems it advisable.

SEC. 3. The Secretary is authorized to acquire lands and personal property within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

SEC. 4. The Secretary is authorized to enter into cooperative agreements with the owners of real and personal property within the boundaries of the park to assist in the interpretation and preservation of those properties. These agreements shall include—

(1) a provision that the Secretary, through the National Park Service, shall have the right of access at all reasonable times to all public portions of the lands

with the boundaries of the park for the purpose of interpreting the park to visitors;

(2) a provision that no substantive changes or alterations shall be made to the buildings, grounds, water patterns, and wetlands, except by mutual consent; and

(3) a provision that the subject matter and method of interpretation shall be determined by mutual consent.

SEC. 5. The Secretary is authorized to render financial and technical assistance to the owners of real and personal property within the boundaries of the park to aid in the interpretation and preservation of the park's unique historical, cultural, and natural features.

SEC. 6. The Secretary is authorized to construct on a portion of the land which he has acquired pursuant to his authority in section 3 of this Act those administrative facilities which he deems advisable, a visitors' center, museum, theater, and library for the interpretation of the historical, cultural, and natural features of the park.

SEC. 7. The park shall be administered by the Secretary in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467), as amended.

SEC. 8. The Secretary is authorized to enter into agreements with the Progressive League of the United States for supervision and maintenance of the park.

SEC. 9. There are authorized to be appropriated such sums as are necessary to carry out the purpose of this Act.

II

98TH CONGRESS
1ST SESSION

S. 542

To amend the Act of July 15, 1968 (82 Stat. 356; Public Law 90-401), to include units of the national forest system within the provisions of the Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22 (legislative day, FEBRUARY 14), 1983

Mr. WALLOP introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Act of July 15, 1968 (82 Stat. 356; Public Law 90-401), to include units of the national forest system within the provisions of the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 15, 1968 (82 Stat. 356), is hereby amended by deleting section 5 and inserting in lieu thereof:

"SEC. 5. (a) With respect to any property administered by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, or administered by the Secretary of Agriculture within a unit of the national forest system, except property within a national forest wilderness area or national monument, the appropriate Secretary may convey a freehold or leasehold other interests therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the appropriate Secretary, consistent with the purposes for which the area was authorized by the Congress. In any case in which the appropriate Secretary exercises his discretion to convey such interests, he shall do so to the highest bidder, in accordance with such regulations as the appropriate Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the appropriate Secretary; except that if any such conveyance is proposed, he shall allow the last owner or owners of record of such property thirty days following the date of which they are notified by the appropriate Secretary in writing that such property is to be conveyed within which to notify the appropriate Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the appropriate Secretary shall convey such interest to such person or persons, in accordance with such regulations as the appropriate Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

"(b) The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the national park system or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any federally-owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: *Provided, however,* That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged are located. The values of the properties so exchanged, either shall be approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

"(c) The proceeds received from any conveyance under this section shall be credited to the appropriation bearing the cost of land acquisition for the affected area of the national park or national forest systems.".

II

98TH CONGRESS
1ST SESSION

S. 565

To require the Secretary of the Interior to enter into an agreement with the State of North Carolina with respect to the repair and maintenance of a certain highway of such State located within Cape Hatteras National Seashore Recreational Area.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1983

Mr. HELMS (for himself and Mr. EAST) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To require the Secretary of the Interior to enter into an agreement with the State of North Carolina with respect to the repair and maintenance of a certain highway of such State located within Cape Hatteras National Seashore Recreational Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Cape Hatteras National Recreational Seashore in the State of North Carolina, and for other purposes", approved August 17, 1937 (16 U.S.C. 459–459a–3), is amended by adding at the end the following new section:

"SEC. 6. (a) The Secretary of the Interior shall enter into an agreement with the State of North Carolina, upon terms and conditions acceptable to the Secretary of the Interior and such State, under which the Secretary of the Interior shall pay up to 100 per centum of the costs of repairing and maintaining the portion of North Carolina Highway Numbered 12 located within the boundaries of the aforesaid national seashore recreational area.

"(b) Any amount appropriated to the Secretary of the Interior for purposes of carrying out an agreement entered into under subsection (a) shall be in addition to, and not in lieu of, any other Federal assistance to which the State of North Carolina is entitled.".

SEC. 2. No authority under the amendment made by this Act to enter into contracts or payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of the amendment made by this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

II

98TH CONGRESS
1ST SESSION

S. 680

Entitled the "Gladys Noon Spellman Parkway".

IN THE SENATE OF THE UNITED STATES

MARCH 3 (legislative day, FEBRUARY 23), 1983

Mr. SARBANES (for himself and Mr. MATHIAS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

Entitled the "Gladys Noon Spellman Parkway".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that Gladys Noon Spellman, elected to four terms in the House of Representatives from the State of Maryland, should be afforded recognition not only for her personal efforts in upgrading one of the Capital region's most important transportation corridors, but more broadly for the dedication, commitment, and concern she expended on behalf of the people of Maryland. The quality of her service to the public exemplifies the high ideals and principles she held paramount.

SEC. 2. The parkway, under the jurisdiction of the Secretary of the Interior, in the State of Maryland known as the Baltimore-Washington Parkway, shall hereafter be known as and designated as the "Gladys Noon Spellman Parkway". Any reference in any sign, law, map, regulation, document, record, or other paper of the United States to such parkway shall be held to be a reference to the "Gladys Noon Spellman Parkway" and any future signs, regulations, records, maps, or other documents of the United States referring to this parkway shall bear the name "Gladys Noon Spellman Parkway". The Secretary of the Interior shall, before October 1, 1983, replace the existing signs for such parkway with appropriate signs designating the parkway as the "Gladys Noon Spellman Parkway".

SEC. 3. The Secretary of the Interior is authorized and directed, in cooperation with the State of Maryland, to design and erect a suitable location adjacent to the Gladys Noon Spellman Parkway an appropriate marker commemorating the outstanding contributions of Gladys Noon Spellman.

SEC. 4. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

98TH CONGRESS
1ST SESSION

H. R. 1213

To amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1983

Mr. SEIBERLING introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

---

A BILL

To amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Public Lands and National Parks Act of 1983".

SEC. 2. (a) The Secretary of the Interior is authorized to accept a conveyance of approximately four acres of land adjacent to the Effigy Mounds National Monument in the State of Iowa, and in exchange therefor to convey the grantor, without monetary consideration, approximately three acres of land within the monument, all as described in subsection (b) of this section. Effective upon consummation of the exchange, the land accepted by the Secretary shall become part of Effigy Mounds National Monument, subject to the laws and regulations applicable thereto, and the land conveyed by the Secretary shall cease to be part of the monument and the boundary of the monument is revised accordingly.

(b) The land referred to in subsection (a) which may be accepted by the Secretary is more particularly described as that portion of the southeast quarter of the southeast quarter of section 28 lying south and east of County Road Numbered 561, and the land referred to in subsection (a) which may be conveyed by the Secretary is more particularly described as that portion of the northeast quarter of the northeast quarter of section 33 lying north and west of County Road Numbered 561, all in township 96 north, range 3 west, fourth principal meridian, Allamakee County, Iowa.

SEC. 3. (a) In order to preserve and interpret for the inspiration and benefit of present and future generations the former home of Harry S Truman, thirty-third President of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or otherwise, the residence and real property known as 219 North Delaware Street in the city of Independence, Missouri, together with such property adjacent thereto as passed to Bess Wallace Truman upon the death of her husband. The Secretary may also acquire, by any of the above means, fixtures, and personal property for use in connection with the residence.

(b) The property acquired pursuant to subsection (a) is designated as the Harry S Truman National Historic Site and shall be administered by the Secretary in accordance with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary is further authorized, in the administration of the site, to make available certain portions thereof for the use of Margaret Truman Daniel subject to reasonable terms and conditions which he may impose.

(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 4. Section 9 of the Act entitled "An Act to provide for the establishment of Cape Cod National Seashore", approved August 7, 1961 (16 U.S.C. 459b–8), is amended by striking out "$33,500,000" and inserting in lieu thereof "$40,567,575".

SEC. 5. Section 8 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (16 U.S.C. 459g–7), is amended by striking out "$7,903,000" and inserting in lieu thereof "$9,903,000".

SEC. 6. Section 15 of the Act entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes", approved October 21, 1970 (16 U.S.C. 460x–14), is amended by striking out "$66,153,000" and inserting in lieu thereof "$67,449,557".

SEC. 7. (a) For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(a)(3)), the statutory ceilings on appropriations established by the amendments made by this Act shall be deemed to be statutory ceilings contained in a provision of law enacted prior to the convening of the Ninety-fifth Congress.

SEC. 8. (a) Section 4 of the Act of October 26, 1972 (86 Stat. 1181; 16 U.S.C. 433c note), is amended by striking the phrase "not more than $9,327,000" and inserting in lieu thereof "$9,825,000".

(b) Section 5 of the Act of June 2, 1936 (49 Stat. 1393; 16 U.S.C. 433e), is hereby repealed.

SEC. 9. (a) The Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, 40 U.S.C. 871) is amended as follows:

(1) by striking out in paragraph (10) of section 6, the figure "100,000,000" and inserting in lieu thereof "120,000,000."; and

(2) by adding at the end of section 17(a) the following: "There are further authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed $3,250,000, each, for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.".

(b) Section 5(e) of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by—

(1) inserting "(1)" after "(e)";

(2) striking out "The Corporation" in the second sentence thereof and substituting:

"(2) The Corporation"; and

(3) adding the following new paragraph at the end thereof:

"(3) Any alteration, revision, or amendment of the plan and any other action taken by the Corporation which is not a substantial change in the plan within the meaning of paragraph (2) but—

"(A) which is a significant change in the plan, or which is another significant action taken by the Corporation, and

"(B) which relates to housing, any major structure, historic preservation, parks, office space, or retail uses, within the development area

shall not take effect until thirty days after notice of such change or other action has been submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate, unless prior to the expiration of such thirty-day period each of such committees notifies the Corporation in writing that the committee does not object to such change or other action. Such notice to the committees shall include an explanation of the reasons why the change or other action is proposed and a summary of any recommendations received by the Corporation from the Secretary of the Interior, the Mayor of the District of Columbia, or from any other interested agency, organization, or individual.".

(c)(1) Section 3(c) of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by inserting "(7)" at the beginning of the unnumbered paragraph following paragraph (6).

(2) Section 5(a)(10) of such Act is amended by inserting "a" before "whole".

(3) Section 5(b) of such Act is amended by striking out "Cooperation" and substituting "cooperation".

(d) Section 11 of the Pennsylvania Avenue Development Corporation Act of 1972 is amended by inserting "(a)" after "Sec. 11." and by adding the following new subsections at the end thereof:

"(b) Within 6 months after the date of the enactment of this subsection, the Corporation shall transmit to the Congress an estimate, for each fiscal year, of the additional funds which will be necessary for the Corporation to carry out the development plan through the fiscal year 1990. Such estimate shall include a detailed statement of the projects and other expenditures for which such funds are proposed to be used, together with an estimate of the projected costs thereof.

"(c) The report submitted under subsection (a) shall include a detailed discussion of the actions the Corporation has taken within the reporting period to protect and enhance the significant historic and architectural values of structures within the boundaries of the Corporation's jurisdiction, and indicating similar actions it plans to take and issues it anticipates dealing with during the upcoming fiscal year related to historic and architectural preservation. Such report shall indicate the degree to which public concern has been considered and incorporated into decisions made by the Corporation relative to historic and architectural preservation.".

SEC. 10. (a) With respect to the land described in subsection (c), the right of reverter and the reserved mineral interests held by the United States in such land are hereby conveyed, without warranty, to the State of Florida for the purpose of allowing the State of Florida to exchange such lands for privately owned lands, such conveyance to the State of Florida to be contingent and effective upon the conveyance to the United States of marketable title to the land described in subsection (d), in fee simple absolute, free and clear of all liens and encumbrances, except those acceptable to the Secretary of the Interior.

(b) Immediately upon receipt by the United States of title to the land described in subsection (d), the Secretary of the Interior shall convey, without warranty, the land described in subsection (d) to the State of Florida. The document of conveyance shall—

(1) reserve to the United States all mineral deposits found at any time in the land and the right to prospect for, mine, and remove the same; and

(2) provide that the land shall revert to the United States upon a finding by the Secretary of the Interior that for a period of five consecutive years such land has not been used by the State of Florida for park

or recreational purposes, or that such land or any part thereof is being devoted to other uses.

(c) The land referred to in subsection (a) is approximately 0.69 of an acre of land, presently encroached upon by the adjoining landowners or occupants, within an area generally described as lot 2, southwest quarter southwest quarter section 15, township 4 south, range 15 west, Tallahassee meridian, Florida. Part of the tract was included in the land conveyed by the United States to the State of Florida on May 10, 1954, by patent numbered 1144377, and part was included in the land conveyed by the United States to the Florida Board of Forestry and Parks (presently named the Florida Department of Natural Resources) on July 26, 1948, by patent numbered 1123723.

(d) The land to be received in exchange for the land described in subsection (c) consists of approximately 1.10 acres of land located in a tract generally described as section 16, township 4 south, range 15 west, Tallahassee meridian, Florida, and more particularly described as follows: Begin at the intersection of the south right-of-way line of Thomas Drive (State Road Numbered 392) and the east line of section 16, township 4 south, range 15 west, Bay County, Florida. Thence south 0 degree 31 minutes 37 seconds west along the east line of said section 16 for 468.20 feet to the south line of said section 16; thence north 89 degrees 28 minutes 23 seconds west along said south line of section 16 for 205 feet; thence north 24 degrees 10 minutes 23 seconds east for 511.11 feet to the point of beginning, containing 1.10 acres more or less.

(e) The State of Florida shall pay promptly to the Secretary of the Interior, any and all costs, including administrative overhead, that may be incurred by the United States in connection with the transactions authorized under subsection (a).

SEC. 11. (a) For the purposes of this section only, the limitation provision of section 1 of the Act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1968), popularly known as the Color-of-Title Act, that limits conveyances under that Act to not more than one hundred and sixty acres, shall not apply to any claim for a patent that may be filed under the Color-of-Title Act for a parcel of land described as section 39, township 5 south, range 4 east, Saint Helena Meridian, Louisiana.

(b) Except as provided in subsection (a) of this section, all provisions of the Color-of-Title Act shall apply to any claim for a patent under the Color-of-Title Act for the parcel of land described in subsection (a) of this section.

SEC. 12. (a) To eliminate a conflict between the official cadastral survey and a private survey of certain lands known as the Hartland subdivision located within the boundaries of the Sequoia National Forest in Tulare County, California, and described in subsection (b), all right, title, and interest of the United States is hereby conveyed to those persons who submit a written application to the Secretary of Agriculture within five years after the date of enactment of this Act, with such proof of title as the Secretary may consider appropriate.

(b) The lands to be conveyed under subsection (a) are described as follows:

PARCEL A—MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 14 South, Range 28 East

Section 32: That portion of the south half southeast quarter southwest quarter more particularly described as follows:

Beginning at the south quarter corner of said section 32, said corner being marked by 2½-inch aluminum monument with aluminum cap;

thence along the north line of Hartland as said subdivision is delineated in volume 17 of maps at page 48, Tulare County records, north 89 degrees 24 minutes 20 seconds west 152.79 feet to the northwest corner of lot 1 of said Hartland subdivision, said corner being marked by a 2- by 2-inch clear stake;

thence leaving said north line of Hartland north 84 degrees 15 minutes 50 seconds west 55.00 feet to a point on the northeasterly prolongation of that line between lot 7 and lot 8 of Hartland;

thence south 89 degrees 27 minutes 50 seconds west 148.98 feet to the most westerly corner of said lot 8;

thence along the north line of Hartland north 88 degrees 50 minutes 45 seconds west 232.26 feet to the northwest corner of lot 11 of said Hartland subdivision, said corner being marked by a three-fourth inch iron pipe;

thence continuing along the north line of Hartland north 88 degrees 50 minutes 45 seconds west 100.00 feet to the most westerly corner of lot 12 of said Hartland subdivision, said corner being also the most westerly corner of Hartland, according to said record map;

thence leaving the boundary of Hartland south 41 degrees 01 minutes 05 seconds east 70.64 feet to a point on the south line of said section 32;

thence along said south line of section 32 north 86 degrees 21 minutes 18 seconds east 643.62 feet to the point of beginning.

PARCEL B—MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 14 South, Range 27 East

Section 14:

West half southwest quarter southwest quarter northwest quarter southwest quarter southeast quarter,

Northwest quarter northwest quarter northwest quarter southwest quarter southwest quarter southeast quarter.

SEC. 13. (a) To provide for consolidation of lands in the San Juan and San Isabel National Forests, lands administered by the Bureau of Land Management, Montrose District, and lands acquired by the Bureau of Reclamation as a part of the McPhee Dam and Reservoir, all in Colorado, and to provide for more efficient administration of those lands, the exterior boundaries of the San Juan and San Isabel National Forests in the State of Colorado are hereby modified as shown on United States Department of Agriculture, Forest Service maps entitled "Boundary Modification, San Juan National Forest", and "Boundary Modification, San Isabel National Forest", dated August 1981. The maps and legal description of the boundaries of such lands shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture; the Director of the Bureau of Land Management, and the Commissioner of the Bureau of Reclamation, Department of the Interior; and appropriate field offices of those agencies.

(b) All Bureau of Land Management-administered lands that, by reason of the boundary modification described in subsection (a), fall within the boundaries of the San Juan or San Isabel National Forests, comprising about twenty-five thousand five hundred and fifty-nine acres and depicted as areas 1–8 on the maps referred to in subsection (a), are hereby added to the respective national forests and shall be administered in accordance with the laws, rules, and regulations applicable to the national forest system.

(c) All national forest system lands that, by reason of the boundary modification described in subsection (a), no longer fall within the boundaries of the San Juan National Forest, comprising about thirty-one thousand six hundred and seven acres and depicted as areas 9–11 on the maps referred to in such section, are hereby removed from the national forest system and transferred to the Secretary of the Interior to be administered in accordance with the laws, rules, and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2746; 43 U.S.C. 1702(e)).

(d) Notwithstanding subsection (a) or any other law, the Secretary of the Interior shall retain jurisdiction over all lands administered by the Bureau of Reclamation that, by reason of the boundary modification described in the first section of this Act, fall within the boundary of the San Juan National Forest, until such time as the Secretary of the Interior, by agreement with the Secretary of Agriculture, transfers such jurisdiction to the Secretary of Agriculture. Upon such transfer, the land involved shall be added to the San Juan National Forest and shall be administered in accordance with the laws, rules, and regulations applicable to the national forest system.

(e) For the purpose of section 7 of the Land and Water conservation Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C. 460l–9) the boundaries of the San Juan and San Isabel National Forests, as modified by subsection (a), shall be treated as if they were the boundaries of those forests on January 1, 1965.

(f) Nothing in this section shall affect valid existing rights, or interests in existing land use authorization, except that any such right or authorization shall be administered by the agency having jurisdiction over the land after the enactment of this Act in accordance with subsections (b) and (c) and other applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction, except that the change of administrative jurisdiction shall not in itself constitute a ground to deny the renewal or reissuance of any such authorization.

(g) Those parts of Bureau of Land Management Wilderness Study Areas (Needle Creek, CO–030–229B; West Needles contiguous, CO–030–229A; Whitehead Gulch, CO–

030-230B; and Weminuche contiguous, CO-030-238B) contained within area 3 and that are made a part of the national forest system by this section shall be studied in conjunction with the West Needle Wilderness Study Area in accordance with the provisions of section 105 of the Colorado Wilderness Act of 1980, including the requirement that the Secretary of Agriculture review the suitability or unsuitability of such lands for inclusion in the National Wilderness Preservation System and report to Congress by December 31, 1983. Inclusion of such parts of such wilderness study areas in the national forest system by this section shall not affect the status of the parts of such areas not so included, which shall continue to be reviewed pursuant to section 603 of the Federal Land Management and Policy Act of 1976.

(h) The provisions of this section shall take effect on the date of enactment of this Act.

Senator **Wallop**. We have a number of colleagues from both the House and the Senate who wish to testify this morning. We will take their testimony as they appear in order to accommodate their schedules.

Senator Danforth, we will hear yours first.

STATEMENT OF HON. JOHN C. DANFORTH, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator **Danforth**. Mr. Chairman, I appreciate the opportunity to testify in behalf of S. 287, a bill introduced by Senator Eagleton and myself.

S. 287 concerns two of the passengers on a train that left Washington after the inaugural ceremonies of January 20, 1953, President and Mrs. Truman, private citizens, going home to 219 North Delaware Street in Independence, Mo.

In later years, President Truman was asked by a biographer to recall the first thing he did when he arrived at the home on North Delaware Street. He said he unpacked his bags and took them up to the attic. He gave answers of equal directness to the great questions that fill the day of a President of the United States.

S. 287 would establish the Truman home in Independence, which is owned by the people, as the Harry S Truman National Historic Site.

In addition, the bill would enable the Department of Interior to administer the site as an item of its annual budget and would provide for use of portions of the property by Mrs. Margaret Truman Daniel, daughter of the President and Mrs. Truman.

Our bill sets as its purpose the preservation and interpretation of the home "for the inspiration and benefit of present and future generations." It was the residence of the Trumans from their marriage in 1919 until his death in 1972. Its establishment as a national historic site for the centenary of his birth next year is most fitting.

The householder of 219 North Delaware was a fellow who took a certain pride in doing for himself.

One sees the figure of a man who shaped decisions among the most momentous of the 20th century, the familiar figure who sat with Churchill and with Stalin, who campaigned with such wonderful zest—he is carrying the empty bags upstairs.

He is the husband who cut the grass on a Sunday because Mrs. Truman wanted the grass cut. Bess Truman protested that Sunday wasn't the time to be cutting the grass. The glances of passersby had among their effects, he recalled, the following: Mrs. Truman never again asked him to mow the lawn.

The passage of S. 287 would strengthen our shared memory of Harry S Truman: farmer, haberdasher, major of the field artillery, county judge, Senator, Vice President, President, sometime mower of the grass at the home in Independence.

I welcome the Senate's consideration of S. 287 and look forward to the presence in Independence of the Harry S Truman National Historic Site.

Senator **Wallop**. Does Senator Eagleton have a statement, do you know?

Senator **Danforth**. I think he does.

Senator **Wallop**. Then we will insert it in the record. We would anticipate expeditious action on this.

Senator **Danforth**. Thank you very much, Mr. Chairman.

[The prepared statement of Senator Eagleton follows:]

FHR

Statement by Senator Thomas F. Eagleton
Before the Subcommittee on Public Lands, Energy and Natural Resources Committee

April 7, 1983, 10:00 a.m.

HARRY S TRUMAN NATIONAL HISTORIC SITE

Mr. Chairman, I appreciate having the opportunity to present to the Subcommittee my thoughts on S. 287, a bill to establish the Harry S Truman Historiic Site.

When President Truman returned to Independence following his years in the White House, the town of Independence turned out in full force to welcome its distinguished citizen, but more importantly to welcome home an old friend and neighbor. At the train station that day, Mr. Truman was quoted in the local newspaper as saying, "Mr. Mayor, I cannot tell you how much Mrs. Truman I appreciate this welcome. It is more than I expected and it is more to the heart than I expected it would be. We are back home for good."

Home for the Trumans was always the Victorian-style white frame house at 219 North Delaware Street, which had been in Mrs. Truman's family since the middle 1880's. The house stands today as if Harry just went out for an afternoon walk. His hat still hangs under the staircase.

Our country has been left a special gift by our former First Lady Bess Truman, who bequeathed the house to the United States government upon her death last October.

Secretary Watt on December 8, 1983, under power vested in him by the National Antiquities Act, designated the home as the Harry S Truman National Historic Site. I introduced emergency appropriations last year to provide immediate security to the home and to place a park ranger on the premises to begin work on the home.

My bill, Mr. Chairman, will assure that the Harry S Truman National Historic Site is managed by the U.S. Park Service, as are the homes of 26 other former Presidents. This bill will authorize the Secretary of Interior to administer the property, provide for its long-term preservation, and to develop the home for visitation by the public.

Already important historical letters have been discovered in the home. Time magazine reported on March 28th that 1,300 letters sent by Truman to his beloved Bess have been discovered in the Truman home. The letters give us a real flavor of Harry's love for his wife, family, and nation. The most significant revelation is that Truman, contrary to some speculation, was sincere in his effort to get the Soviet Union involved in fighting Japan. As Time magazine writes, "Over the years his work changed, but the love letters remained a constant, spinning a chronicle of changing times and undying values."

This historic site is a valued and treasured national asset. I feel it is important that Congress give the Truman home the proper respect it deserves by officially designating the site, and providing generations to come an opportunity to glimpse one of America's greatest heroes at his best -- at home in Independence.

I thank the Subcommittee for arranging these hearings today, and I hope that the bill will be reported to the full Senate in the near future.

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Senator WALLOP. Congressman Hoyer.

STATEMENT OF HON. STENY H. HOYER, A U.S. REPRESENTATIVE FROM THE STATE OF MARYLAND

Mr. HOYER. Thank you very much, Mr. Chairman.

I appreciate this opportunity to appear before you and I appreciate your efforts and the efforts of this committee in providing for such an early hearing on S. 680 which is the Gladys Noon Spellman Parkway bill which was introduced by Senator Mathias and cosponsored by Senator Paul Sarbanes, the two U.S. Senators from the State of Maryland.

I also want to thank you, Mr. Chairman, for this time of hearing. As I said, I know how busy the subcommittee is, and I truly appreciate your thoughtfulness in allowing this bill to be placed on today's agenda.

There are some members of this committee I know who served with my predecessor, as so many of you and my colleagues in the House have told me, Gladys Spellman is respected and admired as a legislator.

Even more, she is remembered fondly as a vivacious, friendly and warm, caring woman. Hardly a day goes by, Mr. Chairman, without one of my colleagues of a staffer on the Hill stopping me to ask about Gladys' present condition.

I am sorry to say that condition remains unchanged with little hope that it will ever improve.

Gladys Spellman has many friends in the House of Representatives as evidenced by the quick passage of the parkway bill during the last two sessions of the House.

She has many friends, too, in this Senate in the fifth district of Maryland where she lived and served the public for many decades. Indeed, Mr. Chairman, when I first introduced the House version of this bill, our office received letter upon letter of support from grateful people who remember her efforts to improve this particular parkway.

There were other letters from supporters who pointed out how involved Gladys was in the upgrading of our schools, the improvement of health care for our citizens, and the development of parklands and roads, to name just a few. Her positive presence is felt in almost every facet of our community's life, Mr. Chairman.

With the committee's permission, at this time I would like to offer for inclusion in the record some of the many letters that we have received on behalf of this particular legislation.

They are from the Governor of Maryland, the Prince Georges Municipal Association, the Prince Georges Chamber of Commerce, the Prince Georges County Council, from towns along the parkway, and most importantly, from the citizens themselves.

There have been a few people who presented me with the view that a slab of blacktop is not a fitting tribute to a woman who is warm, personable, and so effective. To their credit, they believe, and I join with them in that view, that a renaming of a hospital or a school would also be a suitable recognition of Gladys Spellman's contributions.

I submit, however, that while their thoughts were admirable, even schools and hospitals are cold mortar and brick. While Gladys made significant contributions to both health and education, it was the parkway which captured her heart and her spirit.

At this time, Mr. Chairman, although they will not be testifying, I would like to introduce to the chairman and to the committee Mrs. Spellman's husband whose testimony I will submit for the record—Mr. Reuben Spellman.

And Mrs. Dorothy Lupo, Mrs. Spellman's sister. With the committee's position, I would like to submit the statements that they have made at this time in the record. I would also like to quote briefly from a statement made by Mrs. Lupo, because I think she said it best when she wrote to a local newspaper regarding the renaming of the parkway, and said:

> To Gladys, the parkway was more than just a commuter road, and she loved it from the time it was first constructed. You could never ride with her and not hear her comment on its elegant beauty, magnificent trees, its graceful curves.
>
> Gladys thought of the parkway as majestic and beautiful. That is just the way so many of us think of her. But even more, we think of her much as the parkway suggests: busy, vibrant and ever-moving.

By those eloquent words, Mr. Chairman, I believe Mrs. Lupo has captured the essence of the meaning of renaming this parkway.

As many of you know, the Baltimore-Washington Parkway is the major north-side artery which could be called the lifeline of Maryland's fifth congressional district.

It bisects my district and carries daily tens of thousands of area residents to and from jobs in Washington, Baltimore, and points in between. Virtually everyone and anyone uses the parkway at some point during the course of a typical week.

Despite the key role the parkway plays in the lives of area residents, in January 1975 it was in considerable disrepair. Gladys Spellman was just sworn into the House of Representatives at that time and had joined the thousands of daily commuters on the parkway coming to work from her home in Laurel to her office here in Washington.

She suffered along with the other commuters the lumps and bumps of the badly deteriorated surfaces. Tempers flared when antiquated entrance lanes would not allow high-speed access, creating gigantic traffic backups which I personally experienced.

Front-end alignments were everyday repair chores for automobile owners unable to dodge the steady stream of potholes and other breaks in the payment. It was indeed costly, unpleasant, and downright hazardous to travel the parkway in those days.

Some of you may recall that there had been a longstanding intergovernmental impasse which prevented the much needed reconstruction of the parkway and it was obvious that interim remedies were necessary if the road were to stay open at all.

The newly elected Congresswoman went to work on the parkway problem immediately. Things began to happen. Appeals to the House Appropriations Subcommittee on the Interior and important assistance from the subcommittee chairman Yates enabled Congresswoman Spellman to free up $5.7 million in new funds for the repair work.

Mrs. Spellman guided the appropriations through the House and greatly aided by our Maryland Senators, she achieved final approval, thus insuring a new life for this parkway.

Many would have considered enactment of this appropriation, Mr. Chairman, finished work; not so Mrs. Spellman. After expediting awarding of construction contracts, Mrs. Spellman, using her exceptional skills as negotiator, called together a meeting in her home of the officials of the National Park Service, some of whom are here today perhaps, construction companies and numerous citizens groups from the fifth district.

In short, and I will summarize somewhat my statement, she insured the fact that the normal everyday traffic as well as the escalating traffic which resulted from this being the bicentennial year, would not be adversely affected by the very necessary upgrading of that parkway.

She accomplished that. Now Mr. Chairman, as you know, this bill passed—a similar bill passed the House of Representatives last year. Indeed during the 1982 session of the Maryland General Assembly, State Senator Arthur Dorman, who is now in session in Annapolis and cannot be here, assisted by the support of the entire Maryland Senate delegation, successfully steered the State bill, renaming the State portion of the parkway for Gladys.

That portion, by the way, as the chairman undoubtedly knows, extends from Maryland Route 175 to the Baltimore City limits. The parkway is approximately 30 miles in length. The State portion is 11 miles, and the remaining 19 miles, of course, is the subject of this particular piece of legislation.

Mr. Chairman, Gladys Spellman was a dedicated and committed public servant whose unflagging spirit we all admire. To place her name on the parkway which runs to the very heart of the county that Gladys loved, a parkway which passes by so many communities upon which she left her mark, would be a lasting monument to her good work.

She will not be forgotten by any of us. She will daily be remembered by those who travel along the graceful paths of the Gladys Noon Spellman Parkway. Again, Mr. Chairman, I want to thank you for your courtesy in allowing us to testify at this time and in having the early hearings on this bill.

Also for the record, Mr. Chairman, I would like to submit pictures of the State portion of the parkway, indicating the naming of the parkway for Gladys Noon Spellman.

Senator WALLOP. We will have those in the committee files. The other which you request to be in the record will be the statements from the family and others. I appreciate your coming over here.

Mr. HOYER. Thank you, Sir.

[The prepared statements of Mr. Hoyer, Mr. Spellman, Mrs. Lupo, and additional material follows:]

STATEMENT OF HON. STENY H. HOYER, A U.S. REPRESENTATIVE FROM THE STATE OF MARYLAND

MR. CHAIRMAN, I WANT TO THANK YOU AND THE MEMBERS OF THIS COMMITTEE FOR AFFORDING ME THE OPPORTUNITY TO APPEAR BEFORE YOU THIS MORNING TO TESTIFY ON BEHALF OF S.680, THE GLADYS NOON SPELLMAN PARKWAY Bill, INTRODUCED BY SENATOR PAUL SARBANES AND CO-SPONSERED BY SENATOR CHARLES MATHIAS.

I ALSO WANT TO THANK YOU, MR. CHAIRMAN, FOR YOUR GRACIOUS ENDEAVORS TO SEE THAT THIS MEASURE IS RECEIVING SUCH A TIMELY HEARING. I KNOW HOW VERY BUSY THE SUBCOMMITTEE'S SCHEDULE MUST BE, AND I TRULY APPRECIATE YOUR THOUGHTFULNESS IN ALLOWING THIS BILL TO BE PLACED ON TODAY'S AGENDA.

THERE ARE SOME MEMBERS OF THIS COMMITTEE, I KNOW, WHO SERVED WITH MY PREDECESSOR AND AS SO MANY OF YOU AND HER COLLEAGUES IN THE HOUSE HAVE TOLD ME, GLADYS SPELLMAN IS ADMIRED AND RESPECTED AS A LEGISLATOR; EVEN MORE SHE IS REMEMBERED FONDLY AS A VIVACIOUS, FRIENDLY, WARM AND CARING WOMAN. HARDLY A DAY GOES BY WITHOUT ONE OF MY COLLEAGUES OR A STAFFER ON THE HILL STOPPING ME TO ASK ABOUT GLADYS' PRESENT CONDITION, WHICH I AM SORRY TO RELATE TO, REMAINS UNCHANGED WITH LITTLE HOPE THAT IT WILL EVER IMPROVE.

GLADYS SPELLMAN HAS MANY FRIENDS IN THE HOUSE OF REPRESENTATIVES, EVIDENCED BY THE QUICK PASSAGE OF THE PARKWAY BILL DURING THE LAST TWO SESSIONS OF THE HOUSE. AND SHE HAS MANY FRIENDS, TOO, IN THIS SENATE AND IN THE FIFTH DISTRICT OF MARYLAND WHERE SHE LIVED AND SERVED THE PUBLIC FOR MANY DECADES. INDEED, MR. CHAIRMAN, WHEN I FIRST INTRODUCED THE HOUSE VERSION OF THIS BILL, OUR OFFICE RECEIVED LETTER UPON LETTER OF SUPPORT FROM GRATEFUL PEOPLE WHO REMEMBERED HER EFFORTS TO IMPROVE THE PARKWAY. THERE WERE OTHER LETTERS FROM SUPPORTERS WHO POINTED OUT HOW INVOLVED GLADYS WAS IN THE UPGRADING OF OUR SCHOOLS, THE IMPROVEMENT OF HEALTH CARE FOR OUR CITIZENS, AND THE DEVELOPMENT OF PARKLANDS AND ROADS, TO NAME JUST A FEW. HER POSITIVE PRESENCE IS FELT IN ALMOST EVERY FACET OF OUR COMMUNITY LIFE.

WITH THE COMMITTEE'S PERMISSION, I WOULD LIKE TO OFFER FOR INCLUSION IN THE RECORD, SOME OF THE MANY LETTERS OF SUPPORT WE HAVE RECEIVED, FROM THE GOVERNOR OF MARYLAND, THE PRINCE GEORGE'S MUNICIPAL ASSOCIATION, THE PRINCE GEORGE'S CHAMBER OF COMMERCE, THE PRINCE GEORGE'S COUNTY COUNCIL, FROM THE TOWNS ALONG THE PARKWAY, AND MOST IMPORTANTLY, FROM THE CITIZENS THEMSELVES.

THERE HAVE BEEN A FEW PEOPLE WHO PRESENTED ME WITH THE VIEW THAT A SLAB OF BLACKTOP WAS NOT A FITTING TRIBUTE TO A WOMAN WHO IS WARM, PERSONABLE, AND SO EFFECTIVE. TO THEIR CREDIT, THEY BELIEVE, AND I JOIN THEM IN THAT VIEW, THAT A RENAMING OF A HOSPITAL OR SCHOOL WOULD ALSO BE A SUITABLE RECOGNITION OF GLADYS SPELLMAN'S CONTRIBUTIONS. I SUBMIT, HOWEVER, THAT WHILE THEIR THOUGHTS ARE ADMIRABLE, EVEN SCHOOLS AND HOSPITALS ARE COLD BRICK AND MORTAR, AND WHILE GLADYS MADE SIGNIFICANT CONTRIBUTIONS TO BOTH HEALTH CARE AND EDUCATION, IT WAS THE PARKWAY WHICH CAPTURED HER HEART AND HER SPIRIT.

MRS. DOROTHY LUPO, GLADYS SPELLMAN'S SISTER, SAID IT BEST, I THINK, WHEN SHE WROTE TO A LOCAL NEWSPAPER REGARDING THE RENAMING. SHE SAID,

> "TO GLADYS, THE PARKWAY WAS MORE THAN JUST A COMMUTER ROAD.. SHE LOVED IT FROM THE TIME IT WAS FIRST CONSTRUCTED. WE COULD NEVER RIDE WITH HER AND NOT HEAR HER COMMENT...ON ITS ELEGANT BEAUTY, ITS MAGNIFICENT TREES, ITS GRACEFUL CURVES...GLADYS THOUGHT OF THE PARKWAY AS MAJESTIC AND BEAUTIFUL...THAT'S JUST THE WAY SO MANY OF US THINK OF HER. BUT EVEN MORE, WE THINK OF HER MUCH AS THE PARKWAY SUGGESTS--BUSY, VIBRANT, EVER MOVING."

BY THOSE ELOQUENT WORDS, I BELIEVE MRS. LUPO HAS CAPTURED THE ESSENCE OF THE MEANING IN RENAMING THE PARKWAY.

AS MANY OF YOU KNOW, THE BALTIMORE WASHINGTON PARKWAY IS THE MAJOR NORTH-SOUTH ARTERY WHICH COULD BE CALLED THE LIFELINE OF MARYLAND'S FIFTH CONGRESSIONAL DISTRECT. IT BISECTS MY DISTRICT AND CARRIES DAILY TENS OF THOUSANDS OF AREA RESIDENTS TO AND FROM JOBS IN WASHINGTON, BALTIMORE AND POINTS IN BETWEEN. VIRTUALLY ANYONE AND EVERYONE USES THE PARKWAY AT SOME POINT DURING THE COURSE OF A TYPICAL WEEK.

DESPITE THE KEY ROLE THE PARKWAY PLAYS IN THE LIVES OF AREA RESIDENTS, IN JANUARY OF 1975, IT WAS IN CONSIDERABLE DISREPAIR. GLADYS SPELLMAN WAS JUST SWORN INTO THE HOUSE OF REPRESENTATIVES AT THAT TIME, AND HAD JOINED THE THOUSANDS OF DAILY COMMUTERS ON THE PARKWAY, FROM HER HOME IN LAUREL TO HER OFFICE HERE IN WASHINGTON, SUFFERING THE BUMPS AND THUMPS OF THE BADLY DETERIORATED SURFACE.

TEMPERS FLARED WHEN ANTIQUATED ENTRANCE LANES WOULD NOT ALLOW HIGH-SPEED ACCESS, CREATING GIGANTIC TRAFFIC BACKUPS DURING RUSH HOURS. FRONT END ALIGNMENTS WERE EVERYDAY REPAIR CHORES FOR AUTOMOBILE OWNERS UNABLE TO DODGE THE STEADY STREAM OF POTHOLES, RUTS AND OTHER BREAKS IN THE PAVEMENT. IT WAS COSTLY, UNPLEASANT, AND DOWNRIGHT HAZARDOUS TO TRAVEL THE PARKWAY IN THOSE DAYS.

SOME OF YOU MAY RECALL THAT THERE HAD BEEN A LONG-STANDING INTER-GOVERNMENTAL IMPASSE WHICH HAD PREVENTED THE MUCH NEEDED RECONSTRUCTION OF THE PARKWAY AND IT WAS OBVIOUS THAT INTERIM REMEDIES WERE NECESSARY IF THE ROAD WAS TO STAY OPEN AT ALL. THE NEWLY ELECTED CONGRESSWOMAN WENT TO WORK ON THE PARKWAY PROBLEM IMMEDIATELY, AND THINGS BEGAN TO HAPPEN. APPEALS TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE INTERIOR, AND IMPORTANT ASSISTANCE FROM THE SUBCOMMITTEE CHAIRMAN SIDNEY R. YATES III, ENABLED CONGRESSWOMAN SPELLMAN TO FREE UP $5.7 MILLION IN NEW FUNDS FOR THE REPAIR WORK. MRS. SPELLMAN GUIDED THE APPROPRIATION THROUGH THE HOUSE AND THEN GREATLY AIDED BY OUR MARYLAND SENATORS, SHE ACHIEVED FINAL APPROVAL, THUS ENSURING A NEW LIFE FOR THE PARKWAY.

MANY WOULD HAVE CONSIDERED ENACTMENT OF THAT APPROPRIATION THE FINAL STEP--THE CROWNING ACHIEVEMENT--OF THEIR EFFORTS TO UPGRADE THE PARKWAY AND AID ITS USERS, BUT NOT GLADYS SPELLMAN. SHE KNEW HER WORK WAS JUST BEGINNING. WITH THE MONEY NOW AVAILABLE, SHE SET ABOUT THE TASK OF HAVING THE MINIMUM OF DISRUPTION FOR THE COMMUTING PUBLIC.

AFTER EXPEDITING THE AWARDING OF A CONSTRUCTION CONTRACT, MRS. SPELLMAN, USING HER EXCEPTIONAL SKILLS AS A NEGOTIATOR, CALLED TOGETHER A MEETING AT HER HOME, OFFICIALS

OF THE NATIONAL PARK SERVICE, THE CONSTRUCTION COMPANY AND NUMEROUS CITIZENS' GROUPS FROM THE FIFTH DISTRICT. SHE ARRANGED TO HAVE MUCH OF THE RECONSTRUCTION WORK AND REPAVING DONE AT NIGHT AND ON WEEKENDS, WHEN IT WOULD LEAST INTERFERE WITH THE VITAL PARKWAY TRAFFIC. IT WAS THE BICENTENNIAL YEAR AND THE UNPRECEDENTED ARRANGEMENTS TO ACCOMPLISH THE REPAVING NEITHER IMPEDED NOR INTERRUPTED THE INCREASED TOURIST TRAFFIC ARRIVING TO CELEBRATE OUR NATION'S 200TH BIRTHDAY.

THE BULK OF THE UPGRADING WAS COMPLETED BY 1976. BUT FOLLOWUP WORK ON ACCESS RAMPS CONTINUED FOR SEVERAL MORE YEARS UNDER MRS. SPELLMAN'S WATCHFUL EYE. THE FIFTH DISTRICT CONGRESSWOMAN BECAME SO PERSONALLY IDENTIFIED WITH THE PARKWAY WORK THAT, RIGHT UP TO THE DAY HER SEAT WAS VACATED DUE TO HER UNTIMELY ILLNESS, SHE CONTINUED TO RECEIVE LETTERS FROM GRATEFUL CONSTITUENTS THANKING HER FOR HER EFFORTS ON THEIR BEHALF.

DURING THE 1982 SESSION OF THE MARYLAND GENERAL ASSEMBLY, STATE SENATOR ARTHUR DORMAN, ASSISTED BY THE SUPPORT OF THE ENTIRE MARYLAND STATE DELEGATION, SUCCESSFULLY STEERED THE STATE BILL, RENAMING THE STATE PORTION OF THE PARKWAY FOR GLADYS, THROUGH THE ASSEMBLY TO ADOPTION. THAT PORTION, BY THE WAY, EXTENDS FROM MARYLAND ROUTE 175 TO THE BALTIMORE CITY LIMITS. TODAY LARGE GREEN AND WHITE SIGNS ARE INTERSPURSED ALONG THE STATE PORTION OF THE PARKWAY INDICATING THAT THE ROADWAY IS NOW CALLED THE GLADYS NOON SPELLMAN

PARKWAY. I AM SUBMITTING PICTURES OF THOSE SIGNS FOR THE SUBCOMMITTEE'S USE. WHAT WE ARE NOW CONFRONTED WITH TODAY IS A 30 MILE ROADWAY, 11 MILES OF WHICH HAVE BEEN RENAMED THE GLADYS NOON SPELLMAN PARKWAY, AND THE FEDERAL PORTION OF 19 MILES STILL CALLED THE BALTIMORE WASHINGTON PARKWAY. THUS, WE HAVE A CONFUSING SITUATION FOR THE TRAVELING PUBLIC. HOWEVER, THE PASSAGE OF S.680 WILL CERTAINLY RESOLVE THE PROBLEM.

MR. CHAIRMAN, GLADYS SPELLMAN WAS A DEDICATED, COMMITTED PUBLIC SERVANT WHOSE UNFLAGGING SPIRIT WE ALL ADMIRE. TO PLACE HER NAME ON THE PARKWAY WHICH RUNS THROUGH THE VERY HEART OF THE COUNTY GLADYS LOVES, A PARKWAY WHICH PASSES BY SO MANY COMMUNITIES UPON WHICH SHE LEFT HER MARK, WILL BE A LASTING MONUMENT TO HER GOOD WORK. SHE WILL NOT BE FORGOTTEN BY ANY OF US AND SHE WILL DAILY BE REMEMBERED BY THOSE WHO TRAVEL ALONG THE GRACEFUL PATH OF THE GLADYS NOON SPELLMAN PARKWAY.

AGAIN, MR. CHAIRMAN, I WANT TO THANK YOU AND THE OTHER MEMBERS OF THIS COMMITTEE FOR INVITING ME TO EXPRESS MY THOUGHTS ON RENAMING THE BALTIMORE WASHINGTON PARKWAY AS THE GLADYS NOON SPELLMAN PARKWAY. IT IS MY TRUE BELIEF THAT THIS EFFORT TO PAY TRIBUTE TO AN OUTSTANDING PUBLIC OFFICIAL IS MOST APPROPRIATE. I RESPECTFULLY URGE THE QUICK PASSAGE OF THIS MEASURE, NOT ONLY TO ALLEVIATE THE TRUNCATED SIGNING SITUATION ON THE PARKWAY, BUT TO GIVE LASTING RECOGNITION TO AN EXTRAORDINARY LEGISLATOR AND BELOVED COLLEAGUE, GLADYS NOON SPELLMAN.

Reuben Spellman
9004 Golden Pass
Laurel, Maryland 20708
S.680
Gladys Noon Spellman Parkway

PUBLIC LANDS AND RESERVED WATERS SUBCOMMITTEE
OF THE ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. Chairman and Members of the Subcommittee,

May I begin by thanking the Subcommittee for the opportunity to present this statement of the feelings and thoughts of my family with regard to the proposal to rename the Baltimore-Washington Parkway in honor of my wife, Gladys Noon Spellman.

We are delighted with the proposal advanced by Senators Mathias and Sarbanes, as well as that advanced by Congressman Hoyer, to honor Gladys in this manner because we have long known how greatly she loved and admired the Parkway with its graceful curves and wooded, natural borders. She often expressed admiration for its well-kept appearance and exulted in the relaxed pleasure derived from a leisurely ride between Laurel and Washington. All too often that trip was made far after nightfall following long days at work, but it still offered peaceful transit through the tranquil Maryland countryside.

Gladys greatly enjoyed her work in Congress and, before that, in the county government. The opportunity to serve her neighbors--to represent their interests at county, state and federal levels--entailed a most serious responsibility she never viewed lightly. It was in this context that she undertook, single-handedly, the effort to upgrade and renew the pavement of the road as the Bicentennial celebration approached and she realized what heavy traffic the Parkway would bear. In addition to convincing her Colleagues in Congress that the necessary appropriation should be provided, she brought together, through a number of meetings, the Park Service and the successful bidder to arrange that the work proceed by day and by night with a minimum of disruption and interference to the flow of traffic. And characteristically, she followed those steps by personally monitoring the progress of the work to assure quick, efficient completion of the terms of the contract.

The Bituminous Paving Association was so pleased with the performance of the contract that they honored her with a special citation for her leadership in assuring the fullest cooperation between the government and the industry elements involved in this undertaking.

In the 20 years that Gladys actively participated in civic and governmental activities, my family and I witnessed many instances in which she undertook difficult or even unpopular tasks because she felt there were needs to be met or problem situations that required fair and prompt resolution. Now we are particularly appreciative that the proposal has been made to rename the Baltimore-Washington Parkway in her honor and thus provide a lasting tribute to her devotion to the community she loved to serve.

FJR

Dorothy Noon Lupo
S.680
April 7, 1983
Gladys Noon Spellman Parkway

PUBLIC LANDS AND RESERVED WATERS SUBCOMMITTEE
OF THE ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. Chairman and Members of the Subcommittee,

My name is Dorothy Noon Lupo. I live at 5822 Carlyle Street, Cheverly, Maryland. I'm Gladys Spellman's sister.

Thank you for allowing me to testify before you today. My only wish would be that I could give you a glowing report of progress on my sister's condition, but unfortunately, there's been no change at all and her doctors hold no hope whatsoever that there ever will be.

I'm sure you know that being a Member of Congress gave Gladys much joy. She loved the work, the bustle, the urgency, the challenge, but above all she loved her Colleagues. And how very pleased and overwhelmed she would be today if she but knew that her friends in the Senate have cosponsored a bill to name the Baltimore-Washington Parkway in her honor.

In Gladys' eyes, the Parkway was always a thing of beauty. It was never just a stretch of asphalt, as some saw it---to her, it was so much more. You'd have no way of knowing, but naming it in her honor would fulfill a dream our family has shared these many years. It seemed to us, when the Parkway was first constructed, that whenever Gladys traveled on it (which was quite often), she would comment in utter reverence on its elegance. As a result, a bit of in-family humor developed, and we began referring to the road as the Gladys Spellman Parkway. That's why, today, in all honesty, we can think of nothing more appropriate, or nothing that would please Gladys more, than to have the Parkway she so dearly loved officially named thus.

You've heard it said many times, "Out of sight, out of mind." That may be true in most instances, but not where Gladys is concerned. She left us two and a half years ago, yet to this day, wherever I go, people stop me to ask about her with such varied remarks as, "Our church still prays for her." "We think of her all the time." "She did so much for us." "We never met her, yet we feel we have." "She was such a good friend." "We miss her so." No...out of sight, out of mind doesn't apply to Gladys.

You'd have but to see the thousands of letters we've received over the years (many from people from other states) to realize how much she is missed. Indeed, Gladys spent her lifetime doing for others. Now a great many feel this is something that can be done for her. It would be a fine tribute to a dynamic, hard-working humanitarian whose efforts enriched not only the lives of those in the immediate area, but those across the nation.

Gladys thought of the Parkway as majestic and beautiful---that's just the way so many of us think of her. But even more, we like to think of her much as the Parkway indicates she was---busy, vibrant, ever moving.

I'd like to express my deepest thanks and appreciation to Congressman Hoyer, who has twice introduced and had passed this measure in the House, and to Senators Mathias and Sarbanes for their bills, as well. Also, my thanks to you for allowing me to present my thoughts.

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404

HARRY HUGHES
GOVERNOR

December 15, 1981

The Honorable Steny H. Hoyer
U.S. House of Representatives
1513 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Hoyer:

I am pleased to join with you, members of the Maryland Congressional Delegation, and the many congresspersons who have co-sponsored H.R. 4848 to rename the Baltimore-Washington Parkway the "Gladys Noon Spellman Parkway."

This is clearly a most fitting tribute to the contributions that Congresswoman Gladys Noon Spellman made to not just her constituents in the Fifth Congressional District, but to all of our citizens. I fully concur with your statements that her efforts to insure the maintenance and rehabilitation of the Baltimore-Washington Parkway symbolize her effectiveness as a legislator, her aggressiveness in pursuing needed and justified public works projects, and her willingness to champion causes even against considerable odds.

While Gladys' work on behalf of the Fifth Congressional District and Maryland spans the breadth of social, political, and economic issues, such a tribute to her is entirely fitting and well deserved.

Again, I join with you in supporting this effort and would be pleased to take whatever action would be appropriate to insure that this lasting tribute to one of this State's most loved and admired legislators comes to fruition.

Sincerely,

Governor

CITY OF HYATTSVILLE

4307 JEFFERSON STREET • HYATTSVILLE, MARYLAND 20781
927-0194 277-4466

OFFICE OF THE MAYOR
AND
THE CITY COUNCIL

THOMAS L. BASS
MAYOR

CITY COUNCIL

ROBERT E. TRUMBULE
PRESIDENT

CHARLES L. ARMENTROUT
VICE PRESIDENT

MARVIN R. BAXTER
DOUGLAS S. DUDROW
CHARLES L. FALVEY
SPENCER C. S. HINES
CALVIN E. McCLANAHAN
W. THOMAS PONTON
MARY K. PRANGLEY
POLLY F. ROGERS

December 29, 1981

The Honorable Steny H. Hoyer
Congress of the United States
1513 Longworth House Office Bldg.
Washington, D. C. 20515

Re: HR 4848

Dear ~~Congressman Hoyer~~ Steny:

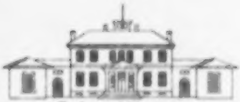
By a unanimous vote of the Hyattsville City Council, at their regular meeting of December 21, 1981, a motion was introduced and passed supporting your efforts to honor former Congresswoman Gladys Noon Spellman by renaming the Baltimore-Washington Parkway in her honor.

On behalf of the City Council members and the residents of Hyattsville, I highly endorse your legislation and wish you every success in making this tribute to Gladys Spellman a reality in the very near future.

Sincerely,

Tom

Thomas L. Bass
Mayor



Calvert Mansion

Town of Riverdale Maryland

Office of the Mayor

December 11, 1981

The Honorable Steny H. Hoyer
U.S. House of Representatives
1513 Longworth House Office Building
Washington, D. C. 20515

Dear Congressman Hoyer:

At their regular meeting held on Monday, December 7, 1981, the Mayor and Council of the Town of Riverdale took action to support the renaming of the Baltimore-Washington Parkway to the Gladys Noon Spellman Parkway.

It is our strong feeling that this would be a fitting tribute to the work accomplished by Mrs. Spellman on behalf of the Fifth Congressional District and her exceptional efforts to assure that the badly needed repavement of the Parkway was accomplished with a minimum of disruption to the commuting public.

Very truly yours,

TOWN OF RIVERDALE

Guy Tiberio

Guy Tiberio
Mayor

GT/bn

4716 QUEENSBURY ROAD • RIVERDALE, MARYLAND • 20840 • (301) 927-6381-2

CITY OF GREENBELT, MARYLAND
25 CRESCENT ROAD, GREENBELT, MD. 20770
TELEPHONES: City Offices 474-8000 City Manager 474-8002 City Clerk 474-3870 Police 474-7200 Public Works 474-8004
Personnel/Purchasing 474-8052 Finance 474-1552 Recreation 474-6878 Greenbelt CARES Youth Service Bureau 345-6660

THE CITY OF
GREENBELT

MEMBERS OF COUNCIL
Richard J. Castaldi, Mayor
Gil Weidenfeld, Mayor Pro Tem
Richard R. Pilski
Edward V. J. Putens
Thomas X. White

December 11, 1981

Honorable Steny Hoyer
House of Representatives
Washington, D.C. 20515

Dear Mr. Hoyer:

Thank you for advising the City Council of your efforts to honor Gladys Noon Spellman. The Council shares your interest in honoring Mrs. Spellman and in recognizing the many years of outstanding service to the residents of Prince George's County and to the nation in the area of education, as a County Commissioner, as an active member and President of the National Association of County Officials, and as the Fifth District Representative to the United States Congress.

Throughout her extensive political career, Congresswoman Spellman did many acts in support of the City of Greenbelt and its citizens. One of these acts relates to the Baltimore-Washington Parkway. Through her efforts, federal funds were successfully obtained, so that Greenbelt students might safely cross the Parkway on a pedestrian overpass when walking to the Eleanor Roosevelt Senior High School. We expect this project to be completed before school opens next fall.

Therefore, at its meeting of December 7, 1981, the City Council adopted a motion in support of your proposal to rename the Baltimore-Washington Parkway in honor of Gladys Noon Spellman.

Sincerely,

Richard J. Castaldi

Richard J. Castaldi
Mayor

CITY of NEW CARROLLTON
8511 LEGATION ROAD • NEW CARROLLTON, MARYLAND 20784

November 19, 1981

MAYOR
JORDAN L. HARDING

CITY COUNCIL
WILLIAM J. McEWEN
CHAIRMAN
ROBERT M. POTTER
VICE CHAIRMAN
ANDREW C. HANKO
MAYOR PRO TEM
ROBERT E. MARTINI
COUNCILMAN
CHERYL T. SMITH
COUNCILWOMAN

CITY OFFICERS
JOHN L. BRUNNER
CITY ADMINISTRATOR
R. JAMES BYRD
CITY TREASURER
JOHN R. FORAN, ESQ.
CITY ATTORNEY
PETER F. SHUPE
GRANTS OFFICER
MARY L. FLANAGAN
ACCOUNTING OFFICER
CHARLES J. DEITZ
PUBLIC WORKS DIRECTOR
SAUL LEVINE
CHAIRMAN
BOARD OF ELECTIONS

The Honorable Steny H. Hoyer
United States House of Representatives
1513 Longworth House Office Building
Washington, D. C. 20515

Dear Congressman Hoyer:

We wholeheartedly and enthusiastically endorse your proposal, known as HB 4848, to rename the Baltimore/Washington Parkway in honor of Gladys Noon Spellman. We need not recall here all the people who have been helped by her public service and all the good projects she promoted and supported. The affection the people of the City of New Carrollton and Prince George's County have for Gladys is testimony to her work and to the interest and love and genuine concern she showed.

It is difficult, indeed, to identify a fitting tribute to Gladys, for she was involved in so much, including even the Baltimore/Washington Parkway. The Parkway, as you know, runs through the heart of the County she loved and passes by so many communities on which she left her mark, from Cheverly to Laurel.

We feel that renaming the Parkway is a fitting gesture, and we sincerely hope that the Congress will approve this tribute to her.

Very truly yours,

Jordan

Jordan L. Harding
Mayor

Bill McEwen

William J. McEwen
Chairman
City Council

JLH/WJMcE:dd

OFFICE OF THE MAYOR
Robert J. DiPietro

350 MUNICIPAL SQUARE
LAUREL, MARYLAND 20810
725-5300

November 17, 1981

The Honorable Steny Hoyer
U. S. Congressman
1513 Longworth
Washington, D.C. 20515

Dear Sir:

Please allow me to add my support to your proposal to rename the Baltimore/Washington Parkway - The Gladys Noon Spellman Parkway.

The recent improvements to the Parkway was a project that was very important to Gladys inasmuch as the Parkway was utilized daily by thousands of her constituents. Although I can understand the criticism of renaming the Parkway, I feel that consideration must be given to Gladys' great and many contributions and services to her constituency. Recognition of Gladys in this manner would reach all in her district.

It is important that Gladys not be forgotten. Her service and her record are exemplary. It is my pleasure to support any action that will bring a fitting and proper tribute to a Congressional Representative of Glady's caliber.

Sincerely,

Robert J. DiPeitro
Mayor

RJD:bea

DANI DUNIHO, Councilman, First Ward
(Home) 725-8404

CITY COUNCIL OF LAUREL
350 MUNICIPAL SQUARE
LAUREL, MARYLAND 20810
(WASH.) 725-5300
(BALTO.) 792-9047

October 28, 1981

The Honorable Steny H. Hoyer
United States Congressman
1513 Longworth
Washington, D.C. 20515

Dear Congressman Hoyer:

Thank you very much for sending a directory of your staff and office - I know it will be helpful to be able to get straight to the right person when help is needed, and I appreciate having the information.

Thank you also for your bill this week proposing the renaming of the Baltimore-Washington Parkway. It is, of course, appropriate because of Gladys' successful push to get the parkway repaired in time for the Bicentennial traffic. We could reflect also that this road, like Gladys, has been very effective without giving up its graciousness. Please let me know it there's something I should be doing to ensure passage of the bill.

Yours spelled correctly,

Dani

Dani Duniho
Council Member

CITY OF BOWIE
MARYLAND

WALTER G. PLANET
COUNCILMAN

October 28, 1981

The Honorable Steny Hoyer
United States House of Representatives
1513 Longworth Office Building
Washington, D. C. 20515

Dear Steny:

I have just heard of your legislation to rename the Baltimore-Washington Parkway to honor Gladys Spellman. I commend you on your act and wish you every success in accomplishing your aim.

With personal regards,

Yours truly,

Walt

Walter G. Planet
Councilman

WGP:paf

4500 KNOX ROAD
301-864-8877

OFFICE OF: Mayor

November 4, 1981

The Honorable Steny Hoyer
U. S. House of Representatives
1513 Longworth Building
Washington, D. C. 20515

Dear Steny,

The City of College Park is proud to endorse your proposal to rename the Baltimore-Washington Parkway the Gladys N. Spellman Parkway. I cannot think of a finer tribute to an honest, dedicated public servant who was admired and loved by everyone.

Sincerely,

St. Clair Reeves
Mayor

SCR/mpp

PRINCE GEORGE'S CHAMBER OF COMMERCE

9827 CENTRAL AVENUE
LARGO, MARYLAND 20870
(301) 350-7300

NOV 16 1981

November 12, 1981

The Honorable Steny Hoyer
United States House of Representatives
1513 Longworth Office Building
Washington, D.C. 20515

Dear Congressman ~~Hoyer~~ Steny:

The Prince George's Chamber of Commerce supports the legislation which you are sponsoring to rename the Baltimore-Washington Parkway in honor of former Congresswoman Gladys N. Spellman. Mrs. Spellman ably represented the citizens of Prince George's County as an elected official for close to twenty years. Recognizing her achievements and accomplishments in this manner is most appropriate.

If the Chamber can be of any further assistance in this effort, please do not hesitate to call upon us.

Very truly yours,

Denny

Dennis W. Madden
President

cc: Senator Sarbane
Senator Mathias
Congresswoman Holt

ACCREDITED

BUSINESS FOR
[illegible] BUSINESS

Attorney at Law
Member New York & U.S. Supreme Court Bars
Real Estate Investments

Sidney J. Brown

Beltway Plaza Mall
6158 Greenbelt Road
Greenbelt, Maryland 20770
(301) 345-6300

OCT 30 1981

October 29, 1981

The Honorable Steny H. Hoyer
Congressman, 5th District
1513 Long Worth Building
Washington, DC 20515

Dear Congressman Hoyer:

I read and heard with much interest and appreciation an announcement that you are sponsoring legislation to rename the Baltimore-Washington Parkway to "The Gladys Noon Spellman Parkway."

What a fitting and appropriate tribute to such an outstanding public servant, since the Baltimore-Washington Parkway is closely associated with the State of Maryland because it traverses the state from the District of Columbia, where she maintained the headquarters from which emanated her outstanding accomplishments.

Your thoughtfulness and consideration in connection with this fitting memorial is just another example of your expressions of humanity and public consciousness and exhibits the great qualities of leadership and public spiritedness with which you are imbued.

I wish you every success in this and other important concerns which you'll be faced with throughout your professional and personal life.

Sincerely yours,

Sidney J. Brown/cae
Sidney J. Brown

SJB:cae

cc: The Honorable Charles McC. Mathias, Jr.
The Honorable Paul S. Sarbanes
Members of Congress from the State of Maryland

[illegible]

Rhodesia L. Lindsey
22 Ridge Road. Apt 15
Greenbelt, Maryland 20770

Congressman Hoyer,

I heard about the suggestion to change the name of the Baltimore Washington Parkway, to the Gladys Noon Spellman Parkway.

It is a wonderful idea and I am for it one hundred percent.

I sincerely hope you act upon it immediately.

She would be so pleased and happy to know — she is still a part of our lives.

Sincerely yours,
Rhodesia L. Lindsey
Evelyn J. Everett

239 Harry S. Truman Drive
Apartment 12
Upper Marlboro, Maryland 20772
November 4, 1981

Honorable Steny Hoyer
1513 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Hoyer:

Congratulations on your election victory.

I salute you for your recent decision to work for the re-naming of the Baltimore-Washington Parkway in honor of Gladys Spellman. I have known Mrs. Spellman since we were neighbors in Cheverly. When I was a child I could always count on her to buy my Girl Scout cookies! Several years later, first-time Congressional candidate Spellman presented me with the first-time Cheverly Girl of the Year Award. My husband delivered the Washington Daily News to the Spellman household for many years. It it heartwarming that you are making an active effort to remind the people of the State of Maryland how this wonderful person and able legislator served us so well.

I would like to volunteer my services to you and your staff as you press for this legislation. I have a B. S. degree in journalism from the University of Maryland (Mrs. Spellman came to my aid when I was trying to get housing at the College Park campus) and have two years work experience on the Hill. If I can help you in any way please do not hesitate to call on me.

Best wishes in this endeavor and in your future undertakings.

Sincerely,

Vicki V. McCowan

Victoria Vaughan McCowan
(home) 336-4772
(work) 737-4979

Mrs. H. K. Lee
12418 Eastgate Lane, Laurel, MD 20811

December 11, 1981

The Honorable Steny H. Hoyer
Cannon House Office Building
Room 308
Washington, D. C. 20515

Dear Steny:

Congratulations on introducing the Congressional bill to rename the Baltimore-Washington Parkway in honor of Gladys Spellman. It is a small tribute of her long years of hard work on behalf of her constituents and especially those of us who reside in Laurel where daily we are reminded of her dedicated efforts. She is a legend, and we miss her strong leadership, honesty, and most of all her pleasant countenance. We all know that Gladys had time for everyone, except herself.

Keep up the good work, and if we are unable to rename the Parkway, we hope you will continue with efforts to locate another memorial for Gladys, one worthy of her stature in our community.

With kind regards, and we send our very best wishes for a very happy and blessed holiday to you, your family, and your staff.

Sincerely,

Jo and H.K.

Mr. and Mrs. H. K. Lee
and May-Lily

DEC 14 1981

2002 Gaylord Drive
Suitland, Maryland 20746

December 5, 1981

Honorable Steny Hoyer
U.S. House of Representatives
Washington, D. C. 20515

Dear Congressman Hoyer:

When I first read of your efforts to rename the Baltimore-Washington Parkway in honor of former Congresswoman Gladys Noon Spellman, I was very unhappy. I thought naming a school or a county building after her would be more appropriate. Later I read about some of the contributions Mrs. Spellman has made to Prince Georges County and its residents, and found that she was instrumental in having the Parkway constructed. I now support your efforts to rename the Parkway in honor of former Congresswoman Spellman, and I would like to see H.R. 4848, the bill you introduced to honor her, passed.

After moving into Prince Georges County in 1978, I wanted to change my voting registration and a friend suggested I contact Congresswoman Spellman's office. Her office not only provided me with the information I was seeking, but provided me with information helpful for a new resident of the county--addresses and phone numbers of county agencies and community organizations.

Being a federal government employee, I was thankful for her support of our pay raises and other benefits and expressed my gratitude to her office. She was always willing to listen to her constituents, and was known for her dedication and service.

As a resident of Prince Georges County, I am grateful for the services Mrs. Spellman provided, and feel that she should have a lasting memorial. I would appreciate being informed of the progress of H.R. 4848.

Sincerely,

Anita N. Irick

Senator **Wallop**. Senator Helms and Senator Thurmond will be next. I know that interrupts the flow of things, but——

Senator **Helms**. Mr. Chairman, I defer to my colleague at this time.

Senator **Wallop**. Very well.

STATEMENT OF HON. PAUL S. SARBANES, A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator **Sarbanes**. Thank you, Mr. Chairman. I appreciate Senator Helms' courtesy and I will be very brief. First, Mr. Chairman, I want to thank you for holding this hearing today.

I am pleased to join my colleague Congressman Hoyer in urging the committee to report favorably on S. 680 legislation and rename the Baltimore-Washington Parkway in honor of Congresswoman Gladys Noon Spellman.

Senator Mathias has joined with me in introducing this legislation in the Senate. This is a fitting tribute to one of the most remarkable people ever to hold public office in the State of Maryland.

Representative Spellman spent a lifetime dedicated to public service. Her entire career was marked by an extraordinary understanding of and respect for the democratic process.

I have received numerous letters from her supporters over the months. I just want to quote very briefly from one who wrote saying, quote,

> I am writing to ask your support and prompt action on the bill to rename the Baltimore-Washington Parkway in Gladys Spellman's honor.
>
> She was a great lady and right there to help the people.

I think this lady speaks for thousands who admired Gladys' record of achievement, her dedicated representation of her constituents.

This designation would be an appropriate monument to an extraordinary legislator. Gladys Spellman was first elected to the House in 1974 and with the spirit of enthusiasm that characterized all of her activity, she set about the process of upgrading the Baltimore-Washington Parkway, which was then in a state of disrepair.

She guided legislation through the House Appropriations Committee for repairing and resurfacing the parkway, and knowing the importance of this regional transportation link to visitors to the Nation's capital as well as her own constituents, she held a series of public meetings to expedite planning and construction.

The repaving was completed in 1976. Improvement of the parkway was only a small part of her efforts on behalf of regional transportation programs. She was an early and strong supporter of the metrorail system both as a member of the Prince Georges County Council and later as a Member of Congress.

She believed strongly in public service. She knew how to make government at all levels work in a spirit of mutual cooperation and concern, and she was exceptionally skillful in working with her colleagues and was known for her ability to persuade her fellow legislators.

The State of Maryland has already recognized Mrs. Spellman's achievements by passing a joint resolution in the Maryland General Assembly requiring the Maryland Department of Transportation to rename that portion of the Baltimore-Washington Parkway under the jurisdiction of the State the Gladys Noon Spellman Parkway.

That resolution further urged the Congress to pass legislation designating the Federal portion of the highway. Those who have driven the highway in the last 6 months, and I may say I drive it everyday, Mr. Chairman, will have noticed that the State has already complied with the general assembly's directive.

The State portion has been renamed the Gladys Noon Spellman Parkway. The Baltimore-Washington Parkway was designed originally as an attractive gateway to our Nation's capital.

I believe it would serve as an appropriate monument to the unique ability of one of Maryland's and one of our Nation's finest public servants. Designation of the parkway as the Gladys Noon Spellman Parkway would make this tribute a permanent reality and I am pleased to join with Congressman Hoyer today who has shown such fine leadership on this matter in urging the committee to proceed to report this legislation favorably.

[The prepared statement of Senator Sarbanes follows:]

STATEMENT OF SENATOR PAUL S. SARBANES

BEFORE THE SUBCOMMITTEE ON
PUBLIC LANDS
OF THE
SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES
April 7, 1983

THE GLADYS NOON SPELLMAN HIGHWAY BILL (S. 680)

Mr. Chairman, I want to thank you for holding this hearing today and to urge you to report favorably on S. 680, legislation to rename the Baltimore-Washington Parkway in honor of Congresswoman Gladys Noon Spellman of Maryland. This bill was introduced by me and cosponsored by my distinguished colleague from Maryland, Senator Charles McC. Mathias, Jr. In the House of Representatives, it was introduced by Congressman Steny Hoyer and cosponsored by the entire Maryland delegation.

This legislation provides a fitting tribute to one of the most remarkable people ever to hold public office in the State of Maryland. Representative Gladys Spellman spent a lifetime dedicated to public service, and her entire career was marked by an extraordinary understanding of and respect for the democratic process. Typical of the letters I have received in recent weeks in support of this legislation is one from a resident in the district Gladys represented who wrote, "I am writing to you to ask your support and prompt action on the bill to rename the Baltimore-Washington Parkway in Gladys Spellman's honor. She was a great lady and right there to help the older people . . ." This woman was speaking for thousands who admire Gladys' record of achievement and her dedicated representation of her constituents.

Designation of the parkway would be an appropriate monument to a great legislator. Gladys Spellman was first elected to the U.S. House of Representatives in 1974; and with the spirit of boundless enthusiasm which characterized all of her activities, she set about the process of upgrading the Baltimore-Washington Parkway, which was then in a state of disrepair. She guided legislation through the House Appropriations Committee, which provided funds for repairing and resurfacing the parkway. Knowing the importance of this regional transportation asset to visitors to the nation's capital from all over the country, as well as her own constituents, she held a series of public meetings to expedite planning and construction. The repaving was completed in 1976.

Improvement of the parkway was just a small part of Gladys Spellman's efforts on behalf of regional transportation programs. She was an early and strong supporter of the regional Metrorail system, both as a member of the Prince George's County Council and later as a Member of Congress. She believed strongly in government and, more important, knew how to make government at all levels work in a spirit of mutual cooperation and concern. She was exceptionally skillful in working with her colleagues and was known for her ability to persuade her fellow legislators. She was an effective spokesman for government workers and chaired the Compensation and Employee Benefits Subcommittee of the House Post Office and Civil Service Committee.

The State of Maryland has already recognized Gladys Spellman's achievements by passing a Joint Resoltion in the Maryland General Assembly which required the Department of Transportation to rename that portion of the Baltimore-Washington Parkway under the jurisdiction of the state "The Gladys Noon Spellman Parkway." The Resolution further urged the U.S. Congress to pass legislation designating the federal portion of the highway. Those of you who have driven the highway in the last six months should have noticed that the state has already complied with the General Assembly's directions.

The Baltimore-Washington Parkway was designed orginally as an attractive gateway to our nation's capital. It would serve as an appropriate monument to the unique abilities of one of Maryland's and our nation's finest public servants. Designation of the parkway as the Gladys Noon Spellman Parkway would make this tribute a permanent reality. I am pleased that so many members of Glady's family and her friends have gathered here today to indicate their support for this legislation.

Senator Wallop. Thank you very much for your testimony, Senator Sarbanes. And Senator Mathias has a statement which he has submitted for the record. I would just say that this is not an ordinary step that you request.

Pieces of national parkland or parkway are not commonly renamed and I would just point out that we did not rename the C&O Canal after Justice Douglas who saved it. Now, I am not saying which way the committee is going to go on this.

I am just suggesting that it is not an ordinary step and that it is one of the reasons for this hearing and one of the reasons why I thought it fair to bring that up. The committee will work its will on it.

But we have the hearing behind us and so I will submit it to the full committee.

Senator Sarbanes. Mr. Chairman, I just say that Gladys Spellman was no ordinary lady. I understand that——

Senator Wallop. I think you would agree that Justice Douglas was no ordinary Justice, either.

Senator Sarbanes. That was a complicated issue, the canal issue, I think. This one I do want to underscore and I think it is very important: A good part of that parkway has been renamed by the State, so you are now proceeding with two different names.

I think that does act as another strong and additional argument.

Senator Wallop. We will surely consider it all and the testimony that you and your colleagues from Maryland have submitted and the family of Mrs. Spellman.

Senator Sarbanes. Thank you very much.

[The prepared statement of Senator Mathias follows:]

Statement of Hon. Charles McC. Mathias, Jr., a U.S. Senator From the State of Maryland

Mr. Chairman, I am pleased to have the opportunity to testify on behalf of legislation to honor Gladys Noon Spellman, a model legislator and friend of the people of Maryland.

As you know, Mrs. Spellman suffered a cardiac arrest in 1980 toward the end of her vigorous campaign for reelection for Maryland's fifth district. Since then, she has been hospitalized.

It has been my pleasure to share many public occasions with Gladys Spellman and each time I saw her with her friends and constituents, I was struck by her ability to convey a sense of personal warmth and human concern to each of them. She could address a vast audience and give each person present the feeling that she was in intimate private conversation with them. This was more than a political trick; it was the important ability to make citizens feel close to government, to personalize the relation of the citizen to the state and to engage the loyalty of the people to the political process. Without neglecting the many many material achievements of Representative Spellman, it seems to me that the gift of making policies work and bringing government into a human dimension was her real genius.

Those of us who worked closely with Mrs. Spellman during the drive to find ways to finance the resurfacing of the Baltimore/Washington Parkway can attest to her perseverance. The way she tackled this task truly reflected the high caliber of work she was accustomed to do throughout her Congressional career. She was a leader in solving regional transportation problems and the Baltimore/Washington Parkway project was but one of her many successes. Her record clearly shows that she was a friend of the Maryland commuter during her entire tenure in office—a true trailblazer for multi-modal transportation projects.

Just a decade ago the Baltimore/Washington Parkway was dangerously inadequate, causing a high fatality rate. That, together with the need to accommodate the growth of the Washington Metropolis, promptly Gladys Spellman and the Maryland Congressional Delegation to seek funds to resurface the highway. As with everything Gladys Spellman undertook, success wasn't long in coming.

We can all take pride in the state of the parkway today. It has an aesthetic quality matched by few other arteries in the United States. Traveling on the Baltimore/Washington Parkway is truly a pleasant experience. You can enjoy nature and feel the change in seasons on the Parkway in a way that most other roads do not permit.

Using the parkway as a symbol of Mrs. Spellman's accomplishments is eminently appropriate. I urge the Committee to approve legislation which would honor her in this way.

Senator WALLOP. Senator Helms is next.

STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator HELMS. Mr. Chairman, it is of course an honor and a pleasure to appear before this distinguished subcommittee and I appreciate the opportunity to testify on behalf of S. 565 introduced by Senator East and me to authorize the Department of the Interior to assist in the repair and maintenance of sections of North Carolina Highway 12 lying between the boundaries of Cape Hatteras National Seashore Recreation Area.

Mr. Chairman, the Cape Hatteras National Seashore Recreation Area stretches, as you can see from the map that I just handed you, some 75 miles along the outerbanks of North Carolina, from Oregon Inlet south to Ocracoke Inlet.

If you will forgive just a little bit of State pride, this is one of the most beautiful areas anywhere in the world.

Senator WALLOP. So does your State pride and the urgency of your testimony carry with it an invitation to go down and visit?

Senator HELMS. It includes an urging that you go down. If you like fishing or if you like relaxation or if you like pretty geography, if you like lovely ladies, you would find them all along this strand here.

It is a beautiful jewel really, Mr. Chairman, in a necklace of barrier islands that lie along the scenic coastline of North Carolina. But this jewel has a flaw: the highway through the park is in a state of serious disrepair.

Now, the State of North Carolina built North Carolina 12 primarily to serve the needs of its citizens who live in several small villages that are now enclaves within the park.

On your map, the reason I am having to look, is because they use different colors on the map. On your map, the enclaves are in green. When the park was created by act of Congress in 1953, the State retained jurisdiction over the highway to protect access to these villages.

Since that time, however, large numbers of visitors have been attracted to the area because of the national park. North Carolina 12 has had to bear much more traffic than it was designed and built for.

For example, traffic in the park often numbered more than 5,000 vehicles per day. More than 85 percent of that volume is attributable to the park, and at least 50 percent of it is from outside of North Carolina.

Ordinarily the Department of the Interior National Park Service would assume responsibility for repair and maintenance of a highway within the boundaries of a national park, but that is not true in the case of North Carolina Highway 12, because when the highway was created, the State retained jurisdiction over the road.

The purpose of this, as I have indicated, was to insure the citizens of the enclave villages within the park a means of traveling to and from their homes. So the State maintains the 21 miles of North Carolina 12 within the park boundaries that lie within the eight villages enclaved. The State also provides various services, as you will note, connecting North Carolina 12 across Hatteras Inlet and Ocracoke Inlet.

Mr. Chairman, much of the wear and tear North Carolina 12 suffers is a result of visitors who are drawn to the area by the park. Of course, we welcome that.

But I believe that the Department of the Interior will share my view and Senator East's view that it is fair for the Department of the Interior to help. As I understand the situation, the Department of the Interior cannot spend any money on this highway because it is not authorized to pay for repairs and maintenance on a highway over which it does not have jurisdiction.

That obviously is the purpose of S. 565, to eliminate that obstacle in this instance. Mr. Chairman, this proposal was developed with input from local, State, and Federal officials and I do hope that the subcommittee will give it favorable consideration.

Senator **Wallop**. Senator Helms, does your legislation anticipate any proportion of sharing?

Senator **Helms**. Let me consult with my lawyer on that.

This is Mr. Scott Wilson, and instead of filtering it through me, Scott, you answer the question.

Mr. **Wilson**. The bill would allow the Department of the Interior to pay up to 100 percent, but it is not specific as to how much.

Senator **Wallop**. Has the State made any suggestion as to how much they would anticipate that share to be? Up to is obviously their desire, but I wonder what their anticipation is.

Mr. **Wilson**. The State has already put a considerable amount of money into repair inside the park, not only within the enclaves but in the parklands as well.

Senator **Helms**. In that connection, I would ask the Chair unanimous consent to insert at this point in the record a letter from William R. Roberson, Jr. to Senator McClure which responds in some measure to the question.

Senator **Wallop**. Without objection, it will be included in the record and I appreciate your testimony here this morning.

[The letter referred to follows:]

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH 27611

JAMES B. HUNT, JR.
GOVERNOR

WILLIAM R. ROBERSON, JR.
SECRETARY

1983 APR -3 PM 1:41

April 6, 1983

Senator Malcolm Wallop
Chairman, Public Lands Subcommittee
Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Wallop:

We understand Senate Bill 565 concerning road improvements in the Cape Hatteras National Seashore has been assigned to the Committee on Energy and Natural Resources. Because S. 565 is vital to us and because the situation the Bill addresses has a history of being misunderstood, we thought it might be helpful if we summarized the matter as it stands now.

Senator Helms' remarks introducing the Bill as published in the Congressional Record on February 23, 1983 describes the overall situation very well. We would add to these remarks some detail of the considerable expenditures made by North Carolina as follows:

1. Routine maintenance of 70 miles of road in the Cape Hatteras National Seashore area at an annual cost of over $100,000.

2. Provision of free ferry service to Ocracoke Island from Hatteras Island and service from Ocracoke Island to the mainland at a fee subsidized by three dollars for each toll dollar collected. The majority of the users of the ferries are visitors to the National Seashore. Total annual cost to North Carolina is about five million dollars.

3. Provision of a bridge across Oregon Inlet at a cost of four million dollars and major repairs of six million dollars.

4. Major improvement to 21 miles of roadway through the eight villages at a cost of over five million dollars. We estimate 80% of the traffic on these roads through the villages is Park related.

5. Replacement of several sections of NC 12 inside the National Park washed out by storms.

6. Now in progress, major improvements to 20 miles of NC 12 in the National Seashore on Hatteras Island at a cost of over four million dollars.

The service and improvements described above have been a combination of State and Federal-Aid Highway dollars. Maintenance and ferry costs are 100% State funded. There has been no funding of NC 12 highway improvements by the Park Service even though the road is vital to the Park. Visitors now number over two million per year with over 50% of the visitors from out of state.

We can now report 57 miles of the 70 miles in the National Seashore area have been improved or are in the process of being improved. What concerns us now is 13 miles of NC 12 on Ocracoke Island, all of which are in the National Park. Our preliminary estimates are the improvements needed will cost four million dollars.

Our frustration is that geographic conditions limit the National Seashore Park to having one road to serve both the Park and the eight villages. The State has little choice but to retain control over the road to these villages to guarantee their unrestricted access. Because of State control in combination with the geographic conditions, the Park Service has been unable to provide road service they provide routinely in other National Parks. We trust your Committee and Congress will recognize the inequity of this situation and give favorable consideration to S. 565.

We stand ready to give any assistance we can to your Committee as it takes up this matter.

Sincerely,

William R. Roberson Jr

William R. Roberson, Jr.

WRRjr/cda
cc: Governor James B. Hunt, Jr.
Senator Jesse Helms
Senator John East
Mr. Marc Basnight, Board of Transportation Member

STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator **Thurmond**. Mr. Chairman, I am pleased to have this opportunity to testify today in support of a measure which will provide additional funds to cover the cost of land acquisition for the Congaree Swamp National Monument.

In 1976, then President Gerald Ford signed into law a bill authorizing establishment of the Congaree Swamp National Monument near Columbia, S.C. This new addition to the National Park Service is unlike any of our other parks.

It consists of approximately 15,000 acres of forested swamp in a near-virgin state and is a prime example of a natural southern hardwood forest. Gathered among the meandering streams and oxbow lakes are centuries-old cypress trees, loblolly pines standing more than 150 feet tall, and varieties of oaks and sweetgums.

As long as 20 years ago the National Park Service recognized Congaree's value as a national monument and recommended that it be added to the national park system. When the bill was enacted in 1976, $35,500,000 was authorized for land acquisition.

Land acquisition occurred in two stages with approximately 365 acres being taken in April 1977, and the remaining 14,770 acres being acquired thereafter. At the present time, the district court is considering what amount will fairly compensate the landowners for the larger tract.

As passed by the House, H.R. 1213 authorizes a land acquisition maximum of $60,500,000. The latest information available to me, however, indicates that the current cost of the land, including interest figured through May 1983, is likely to be closer to $65,500,000.

Accordingly, I recommend that the committee amend the House-passed bill to reflect the latest estimate of actual land acquisition cost. With this new ceiling, the Park Service should be able to proceed with development of the monument for the public benefit just as soon as the court issues its order.

It is important that this new ceiling be authorized as soon as possible. The lands acquired within this tract belong to the Government by virtue of the declarations of taking of 1977 and 1980.

All that remains is the payment of just compensation to the landowners. To avoid further delays, it is incumbent upon Congress to make certain that there are funds set aside for that purpose.

Further, the committee should be aware that the ultimate cost of land acquisition, because it's affected by the running of interest, may well exceed the current estimates.

In this connection, the committee should seriously consider providing express directions to the General Accounting Office that any amount by which the judgment in the court, in the court case, exceeds the amount appropriated, should be set aside for payment pursuant to provisions of 31 U.S.C. 1304.

I would also recommend that the committee take advantage of this opportunity to increase the authorized development ceiling from the present level of $500,000 to a more realistic level of $1.5 million.

This high figure is the amount estimated by the Park Service Denver Service Center as the cost of providing necessary access and visitor facilities. In this regard, I further recommend that the committee include language in its report directing the National Park Service to proceed expeditiously with development and construction of access roads and facilities for this monument.

It is my hope that we can accomplish these objectives so that the Congaree Swamp National Monument can be opened and made accessible to the public. Mr. Chairman, I want to say, too, that doing this work will provide jobs, and that is one of the biggest aims of the present administration at this point in time, to provide jobs.

This project has already been approved. The land has already been acquired. All they have got to do is to pay for the land and then proceed. If further work is done there to provide roads and facilities, it will give jobs to people.

And we are hopeful that that can be done. Mr. Chairman, we thank you very much and we would appreciate the careful consideration that you give to this request. Are there any questions?

Senator WALLOP. I don't believe so, Senator. I appreciate your taking time to come down here this morning.

Senator THURMOND. I am pleased to appear before such an able and distinguished chairman.

Senator WALLOP. Thank you.

I see Senator Heflin has come in with regard to S. 345 and I would call at the same time Mayor John Smith of Prichard, Ala. to testify with Senator Heflin.

STATEMENT OF HON. HOWELL HEFLIN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator HEFLIN. Good morning.

I am here to testify in support of S. 345, a bill that I introduced for myself and Senator Denton on February 3, 1983.

Congressman Jack Edwards of the First Congressional District of Alabama, which includes the city of Mobile and the city of Prichard, introduced companion legislation, H.R. 1246 in the U.S. House of Representatives on February 4, 1983.

As you may be aware, Mr. Chairman, this legislation would establish AfricaTown, U.S.A., as a national historic park and district. Let me point out a few salient facts about AfricaTown, U.S.A., Ala.

This name, AfricaTown, U.S.A., Ala., is the historical designation given to the geographical region of the landing of the last known recorded cargo of Africans imported into the United States with the intent to continue slave trading in America.

The *Clotilda* reportedly landed in Mobile, Ala., in 1859 with approximately 110 Africans aboard who settled in the northeastern section of Mobile, which later became known as AfricaTown.

AfricaTown, U.S.A., Ala., is an area of exceptional significance in local, national, and international history and culture. Many years after the landing of this schooner, it is reported that AfricaTown was the largest and probably the only community of pureblooded Africans in the United States. AfricaTown today exists as a living part of the Mobile and Prichard, Ala., community.

The Congress of the United States has declared that,

> The spirit and direction of the nation founded upon and reflected in our historic heritage, and the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.

AfricaTown landscape as a cultural and historic resource is a living reflection of the Nation's heritage. It therefore should be protected and enhanced for ourselves and for our posterity.

Research which documents the significance of AfricaTown , U.S.A, Ala., to peoples throughout the world has been completed and is available for public information. Mr. Chairman, it is my understanding that the U.S. Department of Interior National Park Service has some reservations and may be opposed to this legislation primarily because of the following reasons:

One, it believes that AfricaTown should not be designated as a national historic park because this is a term of art reserved for special kinds of properties which must meet certain historical, archeological, architectural, and other criteria.

Second, that AfricaTown does not meet the archeological and architectural criteria. Third, a more appropriate term, not a Federal term of art, should be used to meet the wants and the needs of the local citizens of the geographical area in question.

Fourth, it does not meet the criteria for a listing in the National Register. Fifth, Federal budget constraints. Mr. Chairman, let me set the record straight. Senator Denton, Congressman Edwards, and I are solely interested in recognizing the historical and cultural significance of the AfricaTown landscape.

We already know and do not dispute that this landscape lacks archeological and architectural significance. We do not care whether we will end up calling it a park or a district or landmark, site or zone.

We believe that the AfricaTown historical and cultural events are unique and significant and deserve Federal recognition of our national and international significance.

Senator Denton, Congressman Edwards, and I would encourage the subcommittee staff, the Interior Department, Mayor Smith of Prichard, Ala., the Progressive League, Inc., of Prichard, Ala., and members of our personal staff working on this legislation to sit down and resolve any and all potential language barriers to swift congressional passage of this legislation.

Let's not get hung up on terminology or budgetary matters when the Federal Government is only being asked to pay for a feasibility study, something that should be done for practically all of the legislation which is the subject of this hearing today.

As I understand it, a feasibility study is the only request being made of the Federal Government and then from local sources, foundations, other sources, they will move forward relative to this matter toward the expense of it.

I have given you a summary of my testimony. However, I have a much longer statement that I would like to appear in the record in its entirety. Senator Denton is ill today and could not be here.

He has asked that a statement by him be entered into the record, and Congressman Edwards has also requested that a statement by him be placed in the record and I have these and will leave them with you.

Senator **Wallop**. By all means, they will appear.

[The prepared statements of Senator Heflin, Senator Denton, and Mr. Edwards follow:]

Statement of Hon. Howell Heflin, a U.S. Senator From the State of Alabama

Mr. Chairman. I am here today to testify in support of S. 345, a bill which I introduced for myself and Senator Denton on February 3, 1983. Congressman Jack Edwards of the First Congressional District of Alabama (Mobile) introduced companion legislation, H.R. 1246, in the U. S. House of Representatives on February 4, 1983.

As you are well aware, Mr. Chairman, this legislation would establish AfricaTown, U.S.A. (Prichard, and Mobile), Alabama, as a national historic park and district.

Now, Mr. Chairman, let me point out a few salient facts about AfricaTown, U.S.A., Alabama. This name /AfricaTown, U.S.A., Alabama_7 is the historical designation given to the geographical region of the landing of the last known recorded cargo of Africans imported into the United States with the intent to continue slave trading in America. The Clotilda reportedly landed in Mobile, Alabama, in 1859, with approximately 110 Africans aboard, who settled in a northeastern section of Mobile, which later became known as AfricaTown.

Mr. Chariman, AfricaTown, U.S.A., Alabama, is an area of exceptional significance in local, national, and international history and culture. Many years after the landing of this schooner, it is reported that AfricaTown, U.S.A., Alabama, was the largest and probably the only community of pure-blooded Africans in the United States. AfricaTown, U.S.A. today exists as a living part of the Mobile and Prichard, Alabama communities.

The Congress of the United States has declared that "the spirit and direction of the Nation are founded upon and reflected in our historic heritage, and the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American People." 16 U.S.C. §§470-474.

The AfricaTown landscape as a cultural and historic resource is a living reflection of the nation's heritage. It, therefore, must be protected and enhanced for ourselves and for our posterity. Research which documents the significance of AfricaTown, U.S.A., Alabama, to peoples throughout the world has been completed, and is available for public information.

Mr. Chairman, although the primary purpose of the legislation which I am about to introduce for myself and Senator Denton -- and which Congressman Jack Edwards will introduce in the House -- is to create the AfricaTown, U.S.A., Alabama National Historic Park and District, there is another purpose of equal significance.
This proposed national park and district is in the heart of one of the most economically distressed areas in the United States. The present state of our national and local economies, with Alabama today ranking second in America with its exorbitant unemployment rate, must not limit our ability to continue to seek new job opportunities and carry out our basic responsibilities.

The National Park Service system stands as a great example of how we have combined the purposes of education, cultural and natural

RESOURCES PRESERVATION, RECREATION, AND LEISURE TIME INTO A BASIC INTERNATIONAL, ENVIRONMENTAL HUMAN RIGHTS MODEL. PROTECTING THE CRITICAL QUALITIES OF THE PHYSICAL ENVIRONMENT, WHILE MEETING HUMAN NEEDS, IS A SIGNIFICANT EXAMPLE OF THE CAPACITY OF THIS NATION TO RESOLVE PROBLEMS WHILE PROMOTING OPPORTUNITY.
THIS PROPOSED LEGISLATION IS A PRIME EXAMPLE OF SUCH AN OPPORTUNITY. IT WILL STRESS THE ALLOCATION AND DISTRIBUTION OF GOVERNMENT VALUES TO PROTECT THE ECONOMIC VALUE OF PRICHARD AND MOBILE, ALABAMA, WHILE PROVIDING BUSINESS AND EMPLOYMENT OPPORTUNITY FOR ALABAMA RESIDENTS. THIS, IN MY OPINION, IS THE REAL VALUE OF THIS BILL. IT IS AN EXAMPLE OF THE CREATIVE AND INNOVATIVE USE OF GOVERNMENT POWER TO PROMOTE ECONOMIC EQUALITY.

MR. CHAIRMAN, I MUST POINT OUT THE UNIQUE APPROACH WHICH HAS BEEN PROPOSED TO FINANCE CREATION OF THE AFRICATOWN, U.S.A., ALABAMA NATIONAL HISTORIC PARK AND DISTRICT. IT REVERSES THE TRADITIONAL TREND OF CALLING UPON THE FEDERAL GOVERNMENT TO BE THE PRINCIPAL FINANCIER OF PUBLIC FACILITIES. THE MAYOR OF PRICHARD, ALABAMA, THE PROGRESSIVE LEAGUE, INC. (AFRICATOWN, U.S.A., ALABAMA) AND THE CITIZENS OF AFRICATOWN, PROPOSE TO ESTABLISH A PRIVATE/PUBLIC SECTOR INVESTMENT PARTNERSHIP TO FULFILL AN INTERNATIONAL, NATIONAL, AND LOCAL HISTORIC, CULTURAL AND EDUCATIONAL NEED.

IT IS MY UNDERSTANDING THAT THE PRIVATE SECTOR, IN THIS INSTANCE, WILL ASSUME THE TRADITIONAL ROLE OF THE FEDERAL GOVERNMENT. IN OTHER WORDS, MR. CHAIRMAN, THE FEDERAL GOVERNMENT WILL ONLY BE CALLED UPON TO FINANCE THE COST OF THE DESIGNATION PER SE OF THE

AfricaTown, U.S.A., Alabama National Historic Park and District, which is estimated to be around $300,000. The Progressive League, Inc., in turn, will provide and designate the sources for the acquisition of lands, construction of facilities, and maintenance and supervision of the AfricaTown, U.S.A., Alabama National Historic Park and District. This is estimated to cost around $8 million.

Mr. Chairman, during the more than four years since I have been a member of the United States Senate, I have never known of a cultural, educational, and historic project such as this to be financed by a ratio of 96 percent to 4 percent -- 96 percent or $8 million by the private sector, and 4 percent or $300,000 by the Federal Government.

Mr. Chairman, in recognition of the importance of this historic and cultural site to the State of Alabama to this nation, and to the world in general, I feel that it is altogether fitting and proper that AfricaTown, U.S.A., Alabama, be designated as a national historic "park" and "district" or "landmark" or "site" or "zone."

Now, Mr. Chairman, it is my understanding that the U. S. Department of Interior National Park Service is strongly opposed to this legislation primarily because of the following reasons:

1. It believes that AfricaTown should not be designated a "national historic park" because this is a term of art reserved for special kinds of properties which must meet certain historical, archeological, architectural, and other criteria.

2. AfricaTown does not meet these archeological and architectural criteria.
3. A more appropriate term -- not a federal term of art -- should be used to meet the wants and needs of the local citizens of the geographical area in question.
4. It does not meet the criteria for a listing in the National Register.
5. Federal Budget Constraints.

Mr. Chairman, let me set the record straight. Senator Denton, Congressman Edwards and I are solely interested in recognizing the "historical and cultural" significance of the AfricaTown landscape. We already know--and do not dispute--that this landscape lacks archeological and architectural significance. We do not care whether we end up calling it a "park", "district", "landmark", "site" or "zone", etc. We believe that the Africatown historical and cultural events are unique and significant, and deserve federal recognition for their national and international significance.

Senator Denton, Congressman Edwards and I would encourage the subcommittee staff, the Interior Department, Mayor Smith of Prichard, Alabama, the Progressive League, Inc. (Prichard, AL), and members our personal staff working on this legislation to sit down and resolve any and/or all potential language barriers to swift congressional passage of this legislation. Let's not get hung up on terminology or budgetary matters when the Federal Government is only being asked to pay for a feasibility study--something that should be done for practically all of the legislation which is the subject of this hearing today.

Thank you.

STATEMENT OF U.S. SENATOR JEREMIAH DENTON

ON

THE NATIONAL RECOGNITION OF AFRICATOWN AS A HISTORICAL AREA

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THANK YOU FOR THE OPPORTUNITY EXPRESS MY SUPPORT FOR A BILL TO DESIGNATE AFRICATOWN AS A NATIONALLY RECOGNIZED HISTORICAL DISTRICT. AFRICATOWN, U.S.A., ALABAMA, IS THE SITE OF OF THE LAST RECORDED LANDING IN THE UNITED STATES, IN 1859, OF INDIVIDUALS FROM AFRICA FOR THE PURPOSE OF SLAVERY. IT IS AN AREA OF EXCEPTIONAL SIGNIFICANCE IN HISTORY AND CULTURE.

AFRICATOWN WILL STAND AS A REMINDER TO FUTURE GENERATIONS OF OUR STRUGGLE SO THAT ALL AMERICANS CAN BE FREE TO ENJOY

LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS.

THE CONCEPT OF AFRICATOWN IS CONSISTENT WITH NEW FEDERALISM INITIATIVES AND DOES NOT INVOLVE ANY FEDERAL FUNDS. ONLY THE DESIGNATION AND LEGAL SUPPORT FOR AFRICATOWN ARE GIVEN BY BY THE FEDERAL GOVERNMENT WITH THE PRIVATE SECTOR ASSUMING RESPONSIBILITY FOR FINANCING THE DEVELOPMENT AND MANAGEMENT EFFORTS.

ALABAMA CURRENTLY HAS A 14.2% UNEMPLOYMENT RATE. ONE WAY THIS PROBLEM CAN BE ADDRESSED IS THROUGH THE PROJECTION AND CREATION OF NEW MARKETS LIKE AFRICATOWN.

AFRICATOWN, U.S.A., IS PROPOSED AS A PRIVATE-PUBLIC

PARTNERSHIP THAT WILL FOSTER BUSINESSS EXPANSION AND EMPLOYMENT OPPORTUNITIES. WITHIN THE FRAMEWORK OF NEW MARKET OPPORTUNITIES, THE POTENTIAL IS ENORMOUS FOR SMALL BUSINESSS AND MINIORITY ENTERPRISES TO DEVELOP.

I WANT TO COMMEND MAYOR JOHN SMITH, THE MAYOR OF PRITCHARD, FOR HIS WORK AND ENDEAVORS IN HELPING TO OBTAIN PASSAGE OF THIS LEGISLATION.

STATEMENT OF REPRESENTATIVE JACK EDWARDS
FIRST DISTRICT, ALABAMA
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS
AND RESERVED WATER
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Chairman, I am pleased to be able to testify in strong support of efforts to federally recognize the historical and cultural significance of Africatown, U.S.A., in the Mobile-Prichard, Alabama, area.

In 1859, a schooner with approximately 120 Africans landed in Mobile. This shipment represented the last recorded importation of Africans into the United States for the purpose of slavery. The area in which the Africans settled eventually became known as Africatown and became the largest, and possibly the only, community of pure-blooded Africans in the United States.

Senator Heflin, Senator Denton, and I have worked together to attain appropriate national recognition for Africatown. It is a unique segment of our American heritage and we believe very strongly that it should be so noted. The Department of the Interior has indicated some concerns with the original legislation introduced in the House and Senate but has also shown a genuine willingness to work with us to develop a proper vehicle for the recognition of Africatown. I am confident that we can craft a proper plan that will be agreeable to all parties concerned.

It is our intent that the Federal government should recognize the national and international significance of Africatown. At the same time, we feel there should be no Federal acquisition in the area. The zone should be administered at the local level. I think we can accomplish the fact of appropriate recognition without placing undue restrictions on residents or businesses in the Africatown area.

I urge this committee's assistance in our endeavors. I will be making a similar request to the House Committee on Interior Affairs, and I hope that we may enact legislation in the not too distant future.

Mr. Chairman, thank you for allowing me to state my views on the importance of Africatown and the need for the Federal government to recognize it.

Senator HEFLIN. I would like to introduce now Mayor John Smith of Prichard, Ala., who is an outstanding government official in Alabama. He has been the mayor there for several years and has done an outstanding job and we are delighted to have him here to testify on this matter.

Senator WALLOP. Thank you, Senator Heflin.

Mayor Smith.

STATEMENT OF JOHN H. SMITH, MAYOR, CITY OF PRICHARD, ALA.

Mayor Smith. Thank you, Senator Heflin.

Mr. Chairman, I am also here in support of the Senate bill 345 to establish AfricaTown as a national historic park district. My support is based on the national significance of AfricaTown as a cultural and historical resource through its direct association with the ending of the international slave trade in this country.

Second, that the district is of local and national importance, being the landscape of the last recorded landing of Africans into the United States, and it occurred with the intent to perpetuate the slave trading.

And third, the economic potential of the district and park to solve the massive unemployment and welfare problems in our city. Second, there is tremendous documentation to support—which we base our recommendation and request on.

It is supported strongly by national experts and professionals in the preservation field who specialize in the area of being concerned with African/American cultural and historical preservation.

These documents have been produced by the Federal Highway Administration, the State of Alabama Highway Department, the Department of the Interior through the Alabama State Historic Commission, and by contract agreement with the Progressive League.

During this work, Mr. Chairman, we identified some 19 areas contributing to the character of AfricaTown. Further, the inventories uncovered handwritten copies of the log and diary of the *Clotilda's* captain, anchor boats , and other artifacts of the *Clotilda;* pictures of the attempted raising of the *Clotilda,* newspaper accounts of the construction of the *Clotilda,* documentations of names of Africans aboard the ship; documented accounts of the landing; documentations by renowned historians and writers such as Henry C. Williams, Emma Roche, W. E. B. DuBois and Zora Neal Hurston; Mobile Press-Register accounts, our local newspaper; the *Clotilda* cargo insurance records; the original bell which is still at the Union Missionary Baptist Church, and partial documentation by a Peace Corps member in Togo, West Africa.

The exceptional significance of the AfricaTown experience is paralleled only by the exceptional value of the land on which the event occured, Mr. Chairman. Therefore, the AfricaTown landscape, in my opinion, must be protected as an invaluable public resource.

The landing of the last Africans in the United States with the intent to continue the slave trade is a time element more significant than the passage of the 13th amendment which brought freedom to the African.

This fact is based on the concept that the last landing was also the beginning of the new era in international human rights and enforcement of domestic laws which prohibited the importation of Africans for the purpose of slavery.

The AfricaTown landscape is associated with the events and the lives of persons significant in the American past and with events that have made a significant contribution to the broad pattern of civil rights and American history since 1859.

In this respect, the AfricaTown experience is both significant and exceptional for interpreting a pattern and meaning of African/American evolution, adaptation, and history.

Mr. Chairman, if Congress is truly serious about municipal government assuming greater responsibility for establishing self-reliant economies, reducing the incident of poverty, welfare, and unemployment, then this small effort in the city of Prichard will be recognized and supported.

What we are saying by our presence here today is that we see a positive future for our city and one in which our current status as a Federal plantation still be dissolved by establishing within the jurisdiction of the city of Prichard, the AfricaTown, U.S.A. national park.

I urge you respectfully to support and work with us to pass this legislation and to create this national park in our jurisdiction. I have a more extended record and I would appreciate it if you would accept it.

Senator WALLOP. Is that the document that you have there?

With your understanding, what we will do is have the major document part of the committee files on that and the statement as part of the record, because it is rather expensive to print that.

I appreciate both of your comments here this morning. The committee is glad to have had your testimony. It is a long way up here on a rainy day to testify. We appreciate it.

Mayor Smith. I appreciate the committee's interest.

Senator WALLOP. Thank you very much.

[The prepared statement of Mayor Smith follows:]

STATEMENT OF JOHN H. SMITH, MAYOR, CITY OF PRICHARD, ALA.

MR. CHAIRMAN, The Congress of the United States has declared, "...that the spirit and direction of the nation are founded upon and reflected in our historic heritage and the historical and cultural foundation of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people." Within this context, I am here today to represent and present a new concept and direction in applying this declaration to economic recovery and investment in a distressed American community.

The proposed legislation to establish Africatown, U.S.A. as a National Historic Park and District intergrates the traditional methods of establishing national parks with the economic principles of enterprise and commercial zone development. This systems perspective is organizaed to preserve and interpret the cultural-historic experiences of the people and geographic area, while containing such activities within a designated park or economic zone. However, the potential economic value, Mr. Chairman, is created from: 1) the national historic and cultural significance of Africatown, U.S.A. as the site of the landing of the last known recorded cargo of Africans imported to the United States with the intent to continue slave trading in America; and 2) the actions of the Congress to give recognition to the exceptional significance of Africatown as an area of national importance to the American people. The historic, cultural, and economic significance of Africatown U.S.A. is documented in several technical studies funded by the Department of the Interior, the Federal Highway Administration and the Alabama State Highway Department. The above work include documentation by the Progressive League through contract agreement with the State of Alabama Historic Commission, executed December 30, 1978; and February 27, 1980; the State of Alabama Highway Department, June 1983; and the Federal Highway Administration FHWA-Ala-EIS-82-02-D. Additionally, the concept has been endorsed by the South Alabama Regional Planning Commission; the State of Alabama Legislature; local banks; Alabama Coastal Area Board; the City of Prichard Planning Commission, The Akabama Baptist Ministers Conference; the National Conference of Black Mayors; and the American Ethnic Science Society. Moreover, the City of Prichard holds an annual festival to celebrate the Folk Traditions of Africatown, which has been recognized and supported by the National Endowmwnt for the Arts.

MR. CHAIRMAN, for the past three years, local governments have been encouraged to become innovative, creative, self-reliant and agressive in buolding decentralized opportunities. The City of Prichard has been classified by the Economic Development Administration as the third most distressed community of its size in the United States. We are under tremendous pressure to solve the problems of unemployment, welfare, and a diminishing tax base. We agree in our City that the solution to this issue is internal and lying dormant within the cultural resources of our city and its people.

MR. CHAIRMAN, I was one of the thirteen Mayors invited to Japan two weeks ago and witnessed at first hand the view I am attempting to share with you today. We have come to realize that the Japanese economic success story does not involve as much industrial management technology as it does the preservation of a culture, a way of life, and social organization. My experience in Japan provided me with an even greater understanding that solutions to planning, design, and management of a distressed American community involves protection and enhancement of its cultural and historic resource values.

Africatown, U.S.A., MR. CHAIRMAN, is an historic-cultural resource which can be planned,designed, developed, and managed for educational, tourist, and economic purposes. It is for this reason that I am here today to ask this Subcommittee to designate Africatown U.S.A. a national historic park so that the hidden tools of this aspect of government can be demonstrated in a distressed community such as Prichard, Alabama. We realize and accept the fact that the details of our request may need to be modified or adjusted. We are willing to cooperate to achieve this purpose. However, I would like to respectfully request that this Subcommittee keep in mind my point regarding economic recovery through cultural and historic resource management and preservation.

This Subcommittee may want to know how we have been asked to document our claim of historic and cultural significance. As stated, MR. CHAIRMAN, the Department of the Interior through the State of Alabama Historic Commission funded two survey and planning grants to the Progressive League, Inc., which documents the exceptional importance of Africatown to the cultural experience of the United States. In addition, the Federal Highway Administration and the State of Alabama Highway Department were involved in technical studies along with scholars, historians, and historical journalist. I may add, MR. CHAIRMAN, that along with Mr. Henery C. Williams,Sr., the great founder and President of the Progressive League. I personally participated in establishing the current Historic Resources Inventory of Africatown U.S.A.

During this work we identified nineteen area contributing to the character of Africatown. Further the inventory uncovered:

handwritten copies of the log and dairy of the Clotilde's Captain;anchor bolts and other artifacts of the Clotilde; pictures of the attempted raising of the Clotilde; newspaper accounts of the construction of the Clotilde; documentation of names of Africans aboard the ship; documented accounts of the landing; documentation by renownwed historians and writers such as Henry C. Williams, Emma Roche, W.E.B. Dubois, and Zora Neal Hurston; Mobile Press Register accounts; Clotilde cargo insurance records; original church bell at Union Missionary Baptist church; and partial documentation by a Peace Core member in Togo West Africa.

The exceptional significance of the Africatown experience is paralleled only by the exceptional value of the land on which the event occurred. Therefore, the Africatown landscape must be protected as an invaluable public resource.

The landing of the last Africans in the United States with the intent to continue the slave trade, is a time element more significant than passage of the Thitteenth Amendment which brought freedom to the African. This fact is based on the concept that the last landing was also the beginning of a new era in international human rights, and the enforcement of domestic laws which prohibited the importation of Africans for the purpose of slavery. To this extent, Africatown, U.S.A. is an exceptional reference point and time marker for African-American people and the American culture.

- The Africatown landscape is associated with events and the live of persons significant in the american past and with events that have made a significant contribution to the broad pattern of civil rights and american history since 1859. In this respect, the Africatown experience is both significant and exceptional for interpreting a pattern and meaning of African-american evolution, adaptation and history which has contributed to the past and future of the United States.

MR. CHAIRMAN, if Congress is truly serious about municipal governments to assume greater responsibility for establishing self-reliant economies, reducing the incident of poverty, welfare, and unemployment, then this small effort in the city of Prichard will be recognized and supported. What we are saying by our presence today is that we see a positive future for the city of Prichard, one in which our current status as a federal plantation will be dissolved by establishing within the jurisdiction of the city of Prichard the Africatovn, U.S.A. national park,

SENATE CHAMBER
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SUB-COMMITTEE
GOVERNMENTAL AFFAIRS
CONSTITUTIONAL REVISION
AGRICULTURE, CONSERVATION AND FORESTRY
BUSINESS AND LABOR RELATIONS
INDUSTRIAL EXPANSION, ECONOMIC GROWTH,
AND JOBS

April 4, 1983

Mayor John Smith
PRICHARD CITY HALL
Prichard, Alabama 36610

Re: The Designation of Africatown, U.S.A., As
A National Historic Park and District

Dear Mayor Smith:

I would be pleased if you would present this letter to the members of Congress hearing testimony in support of Senate Bill 345 which seeks to establish a National Historic Park at Africatown, U.S.A. I understand that you, along with Senators Heflin and Denton, and Congressman Jack Edwards will be presenting testimonies on Thursday, April 7, 1983, in support of this proposed legislation.

I wish it were possible for me to be there to personally express my support of what must be considered one of the most important pieces of legislation for this area. I feel certain that if the bill is passed, Africatown, U.S.A., with the help of private investors, will soon become the appropriate landmark that it should.

My support is complete and total in this regard, and I would appreciate your conveying this to the panel receiving this testimony.

Sincerely,

Michael A. Figures

MAF/cek

Commonwealth National Bank
P.O. Box B/2214 St. Stephens Road / Mobile, Alabama 36601 / Telephone (205) 476-5938

ALPHA JOHNSON
PRESIDENT

April 6, 1983

The Honorable John H. Smith
Mayor
City of Prichard
Post Office Box 10427
Prichard, Alabama 36610

Dear John:

I am writing this letter to express our support as a reinvestment partner in the AfricaTown USA Project.

It is my understanding that 96% of the funds will come from the private sector and 4% from the government to develop the project.

If I can be of any other assistance to you concerning this matter, please feel free to call on me.

Kindest regards,

Alpha Johnson
President

AJ/sd

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Ms. **Grier**. It is a pleasure to be here this morning on the part of the Department of the Interior and comment at the beginning on S. 287 and that portion of H.R. 1213 as it relates to the Harry S Truman National Historic Site.

Senator Danforth fairly expressed the historical significance of the site and I will put that portion of my testimony in the record.

As you know, Secretary Watt declared the Harry S Truman home a national historic site on December 8 of last year and we have since entered into a cooperative agreement with the General Services Administration and the executor of the estate to permit us to proceed with providing the national security of the site.

And we strongly support the enactment of this bill so that we may officially declare it a unit of the park system to give it the proper care.

Do you have any questions?

Senator **Wallop**. No.

Ms. **Grier**. I believe the next bill under consideration is S. 345.

Senator **Wallop**. Correct.

Ms. **Grier**. We also appreciate the opportunity to testify on behalf of the Department concerning this legislation. We would strongly recommend against enactment of this bill.

We have not identified any site, buildings or objects of national historical significance within the area and we believe it lacks the integrity necessary for inclusion in the national parks system.

S. 345 authorizes the Secretary of the Interior to establish the AfricaTown National Historical Park and District in order to preserve and interpret historic properties at and near AfricaTown, U.S.A.

The bill authorizes the acquisition within the park, cooperative agreements with property owners, and financial and technical assistance to property owners within the park.

It further authorizes the Secretary to construct administrative facilities, a visitors' center, museum, theater, and library, and it authorizes the Secretary to enter into agreement with the Progressive League of the United States for supervision and maintenance of the park.

AfricaTown, U.S.A. is the community in the northeastern section of Mobile, Ala., where it appears the last slaves were brought to the United States and settled. It is in the vicinity of what later became the communities of Prichard and Mobile that the schooner *Clotilde,* with approximately 120 Africans aboard, landed in 1859.

The landing of the last shipment of slaves to the United States is a significant moment in the chain of events that encompassed the history of slavery and its abolition. Unlike existing units of the national park system related to black history, however, little documentation exists of AfricaTown's remaining historically significant sites and objects.

Based on our preliminary assessment, no properties of national historical significance have been identified. Mr. Chairman, while the event of the last landing is significant, the site where it occurred has been little studied.

AfricaTown is a modern community. It is impacted by modern residential and industrial construction, including many rail lines. Largely for these reasons, the area has not been listed in the National Register of Historic Places.

Moreover, the National Park Service has not done a national historic landmark study or suitability/feasibility study of the area. A unit of the National Park Service must have integrity and it must be suitable and feasible to manage.

AfricaTown has none of these qualities. To possess integrity, the site must be the original location of the event and it must have elements of feeling and association with that past.

A building must also have original workmanship and location, and a district must have original workmanship, original location, and elements of feeling and association. The Martin Luther King, Jr. National Historic Site in Atlanta and the Boston African/American National Historic Site in Roxsbury, Mass., are examples of recent congressional authorizations of sites which possess that historical integrity.

You will note, Mr. Chairman, that there is no boundary referred to in the bill and no acreage limitation on land acquisition. Both are normally a part of any park system legislation approved by this committee.

We can offer no recommendation as to boundaries or acreages. One version of the site proposed by local interests is about 8,000 acres. Another version proposed as little as 800 acres.

In summary, we cannot support national park system designation of an area that has not been determined to be nationally significant. From what we know of the area, it does not possess historical integrity.

If, however, your committee believes that further research and study should be done on the resources of the area, we would of course conduct such a study if funds were made available.

We estimate that a study would cost approximately $50,000 and take 3 months to complete. That concludes my testimony, Mr. Chairman. I would be pleased to answer any questions.

[The prepared statements of Ms. Grier on H.R. 1213, S. 287, and S. 345 follow:]

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON H.R. 1213, A BILL "TO AMEND CERTAIN PROVISION OF LAW RELATING TO UNITS OF THE NATIONAL PARK SYSTEM AND OTHER PUBLIC LANDS, AND FOR OTHER PURPOSES," AND S. 287 A BILL "TO ESTABLISH THE HARRY S TRUMAN NATIONAL HISTORIC SITE IN THE STATE OF MISSOURI, AND FOR OTHER PURPOSES."

APRIL 7, 1983

MR. CHAIRMAN, ON BEHALF OF THE DEPARTMENT OF THE INTERIOR, THANK YOU FOR THE OPPORTUNITY TO OFFER TESTIMONY ON S. 287, AND ON H.R. 1213 AS IT RELATES TO THE NATIONAL PARK SYSTEM.

EFFIGY MOUNDS NATIONAL MONUMENT, IOWA

SECTION 2 OF H.R. 1213 AUTHORIZES A SIMPLE LAND EXCHANGE AT EFFIGY MOUNDS NATIONAL MONUMENT, IOWA. AS YOU KNOW, MR. CHAIRMAN, THIS SECTION OF H.R. 1213 IS IDENTICAL TO S. 473, WHICH PASSED THE SENATE MARCH 2, 1983. THE NATIONAL PARK SERVICE CONTINUES TO SUPPORT THIS PROVISION. IT IS BASICALLY AN EQUAL VALUE EXCHANGE WITH A NEIGHBORING LANDOWNER, WHICH WILL IMPROVE ADMINISTRATION OF THE MONUMENT.

HARRY S TRUMAN NATIONAL HISTORIC SITE, MISSOURI

MR. CHAIRMAN, THE PROVISIONS OF S. 287 AND SECTION 3 OF H.R. 1213 ARE IDENTICAL. BOTH PROVIDE THAT THE SECRETARY OF THE INTERIOR IS AUTHORIZED TO ACQUIRE THE HARRY S TRUMAN RESIDENCE AND REAL PROPERTY BY DONATION, PURCHASE WITH DONATED OR APPROPRIATED FUNDS, TRANSFER FROM ANOTHER FEDERAL AGENCY, OR OTHERWISE. THE SECRETARY MAY ALSO ACQUIRE PERSONAL PROPERTY IN CONNECTION WITH THE RESIDENCE. FURTHER, THIS AREA IS TO BE KNOWN AS THE "HARRY S TRUMAN NATIONAL HISTORIC SITE" AND BE ADMINISTERED AS A UNIT OF

THE NATIONAL PARK SYSTEM. FINALLY, BOTH BILLS AUTHORIZE THE APPROPRIATION OF SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THE ACT.

MR. CHAIRMAN, AS YOU KNOW THE HARRY S TRUMAN HOME WAS DECLARED A NATIONAL HISTORIC SITE ON DECEMBER 8, 1982, BY SECRETARY WATT. TWENTY-SEVEN PRESIDENTIAL RESIDENCES ARE NOW IN THE NATIONAL PARK SYSTEM. ENACTMENT OF SECTION 3 OF H.R. 1213 OR S. 287 WOULD AUTHORIZE THE EXPENDITURE OF FUNDS FOR DEVELOPMENT FOR THE TRUMAN HOME, AND WE STRONGLY SUPPORT ITS PROVISIONS.

THE HARRY S TRUMAN HOME IN INDEPENDENCE IS AN OUTSTANDING REFLECTION OF THE MAN. BUILT ABOUT 1867 BY MRS. TRUMAN'S GRANDFATHER, THE TRUMANS MADE THIS WHITE FRAME HOUSE THEIR HOME WHEN THEY WERE MARRIED IN 1919. DURING THE TRUMAN PRESIDENCY, THE HOME BECAME THE "SUMMER WHITE HOUSE." THIS ARCHITECTURALLY INTERESTING HOUSE IS ASYMMETRICAL IN DESIGN AND COMBINES SEVERAL LATE 19TH CENTURY STYLES. AN ASTOUNDING NUMBER OF PERSONAL POSSESSIONS OF HARRY S AND BESS WALLACE TRUMAN ARE CONTAINED THROUGHOUT THIS 2½ STORY, 14-ROOM HOUSE. RECENT VISITORS HAVE CHARACTERIZED THE HOUSE AS APPEARING AS IF THE TRUMANS WERE JUST OUT FOR THE AFTERNOON.

IN THE SHORT TIME SINCE THIS LEGISLATION WAS INTRODUCED IN THE LAST CONGRESS WE HAVE BEGUN A PRELIMINARY ASSESSMENT OF DEVELOPMENTS AND REHABILITATION COSTS. WE WILL PREPARE AN HISTORIC STRUCTURE REPORT WHICH WILL ADDRESS BOTH LONG AND SHORT RANGE MAINTENANCE AND REHABILITATION NEEDS. WE ALREADY UNDERSTAND THAT THE ELECTRICAL WIRING IS NOT IN GOOD SHAPE AND NEEDS TO BE REPLACED.

UNDER THE TERMS OF BESS WALLACE TRUMAN'S WILL, THE HARRY S TRUMAN HOME IS DONATED TO THE UNITED STATES PROVIDED THAT THE AREA ABOVE THE FIRST FLOOR

NOT BE AVAILABLE TO THE PUBLIC DURING THE LIFE OF MARGARET TRUMAN DANIEL, PRESIDENT TRUMAN'S DAUGHTER, AND THAT MRS. DANIEL BE PERMITTED TO OCCUPY THE RESIDENCE FOR ONE WEEK OF EACH CALENDAR YEAR. THESE BILLS RECOGNIZE THAT PROVISIONS CAN BE MADE FOR MRS. DANIEL, IN SECTION 3(b) OF H.R. 1213 AND SECTION 2 OF S. 287.

CAPE COD NATIONAL SEASHORE, MASSACHUSETTS

SECTION 4 OF H.R. 1213 WOULD AMEND SECTION 9 OF THE ACT OF AUGUST 7, 1961, PROVIDING FOR THE ESTABLISHMENT OF CAPE COD NATIONAL SEASHORE, BY RAISING THE CEILING ON APPROPRIATIONS FOR LAND ACQUISITION FROM $33,500,000 TO $42,917,575. MR. CHAIRMAN, THIS INCREASE WOULD REFLECT THE APPROPRIATION BY THE 97TH CONGRESS OF $5.5 MILLION FOR ANTICIPATED CONDEMNATION AWARDS AT CAPE COD, PLUS $3,971,575 PREVIOUSLY EXPENDED UNDER THE AUTHORITY OF PUBLIC LAW 95-42. WE HAVE NO OBJECTION TO THIS PROVISION.

CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA

SECTION 5 OF H.R. 1213 WOULD INCREASE THE CEILING AT CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA, FROM $7,903,000 TO $13,903,000. THIS CEILING WOULD COVER APPROPRIATIONS ALREADY MADE BY THE 97TH CONGRESS IN THE AMOUNT OF $2,000,000, PLUS $4 MILLION CONTAINED IN OUR FISCAL YEAR 1984 RECOMMENDATIONS FOR APPROPRIATION TO PAY ANTICIPATED CONDEMNATION AWARDS. WE SUPPORT THE ENACTMENT OF THIS PROVISION.

SLEEPING BEAR DUNES NATIONA LAKESHORE, MICHIGAN

SECTION 6 OF H.R. 1213 WOULD INCREASE THE CEILING ON APPROPRIATIONS FOR LAND ACQUISITION AT SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICHIGAN, FROM $66,153,000 TO $82,149,558. IN THE 97TH CONGRESS WE RECOMMENDED AN INCREASE

OF $8.4 MILLION TO COVER OUR FISCAL 1983 BUDGET REQUEST FOR ANTICIPATED CONDEMNATION AWARDS. THE 97TH CONGRESS DID, IN P.L. 97-361, INCREASE THE CEILING BY $8.4 MILLION TO A NEW CEILING OF $66,153,000, ALTHOUGH NO FUNDS WERE APPROPRIATED PURSUANT TO THIS AUTHORITY. THIS CEILING INCREASE DID NOT TAKE INTO ACCOUNT THE $3,996,558 EXPENDED UNDER THE AUTHORITY OF P.L. 95-42 WHICH EFFECTIVELY RAISED THE EXPENDITURES AGAINST CEILING TO $70,149,558. THIS FISCAL YEAR WE ARE REQUESTING AN ADDITIONAL $12 MILLION FOR ANTICIPATED CONDEMNATION AWARDS. THEREFORE WE SUPPORT THIS FURTHER INCREASE IN THE CEILING FOR APPROPRIATIONS FOR LAND ACQUISITION AT SLEEPING BEAR IN THE AMOUNT OF $12 MILLION, FOR A NEW CEILING OF $82,149,558.

CONGAREE SWAMP NATIONAL MONUMENT, SOUTH CAROLINA

SECTION 7 OF H.R. 1213 WOULD INCREASE THE CEILING FOR APPROPRIATIONS FOR LAND ACQUISITION BY $25 MILLION AT CONGAREE SWAMP NATIONAL MONUMENT, SOUTH CAROLINA. THE EXISTING CEILING WAS ESTABLISHED AT $35,500,000 IN SECTION 5 OF THE ACT OF OCTOBER 18, 1976. THE ENTIRE AMOUNT AUTHORIZED HAS BEEN EXPENDED OR OBLIGATED. THE FISCAL YEAR 1984 BUDGET RECOMMENDATION OF THE DEPARTMENT OF THE INTERIOR CONTAINS $25 MILLION FOR LAND ACQUISITION AT CONGAREE TO COVER ANTICIPATED DEFICIENCIES FROM PREVIOUSLY FILED CONDEMNATION COURT CASES. THEREFORE, WE SUPPORT THE ENACTMENT OF A NEW CEILING OF $60,500,000 FOR CONGAREE.

PERRY'S VICTORY AND INTERNATIONAL PEACE MEMORIAL, OHIO

THE LAST SECTION OF H.R. 1213 THAT RELATES TO THE NATIONAL PARK SYSTEM IS SECTION 9, WHICH WOULD INCREASE THE STATUTORY CEILING ON APPROPRIATIONS FOR DEVELOPMENT AT PERRY'S VICTORY AND INTERNATIONAL PEACE MEMORIAL, OHIO, FROM $9,327,000 TO $9,825,000 -- AN INCREASE OF $498,000. THE 97TH CONGRESS APPROPRIATED THE NECESSARY FUNDS FOR THE DEVELOPMENTS ENVISIONED BY THIS INCREASE, AND WE HAVE NO OBJECTION TO THIS PROVISION.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT ON H.R. 1213 AND S. 287.

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON S. 345, A BILL TO ESTABLISH A NATIONAL HISTORIC PARK AT AFRICATOWN, U.S.A. (PRICHARD, AND MOBILE), ALABAMA.

APRIL 7, 1983

MR. CHAIRMAN, WE APPRECIATE THE OPPORTUNITY TO TESTIFY ON BEHALF OF THE DEPARTMENT OF THE INTERIOR CONCERNING THIS LEGISLATION.

WE STRONGLY RECOMMEND AGAINST THE ENACTMENT OF THIS BILL. WE HAVE NOT IDENTIFIED ANY SITES, BUILDINGS, OR OBJECTS OF NATIONAL HISTORICAL SIGNIFICANCE WITHIN THE AREA, AND WE BELIEVE IT LACKS THE INTEGRITY NECESSARY FOR INCLUSION IN THE NATIONAL PARK SYSTEM.

S. 345 AUTHORIZES THE SECRETARY OF THE INTERIOR TO ESTABLISH THE AFRICATOWN NATIONAL HISTORICAL PARK AND DISTRICT IN ORDER TO PRESERVE AND INTERPRET HISTORIC PROPERTIES AT AND NEAR AFRICATOWN, U.S.A. THE BILL AUTHORIZES THE ACQUISITION OF PROPERTY WITHIN THE PARK, COOPERATIVE AGREEMENTS WITH PROPERTY OWNERS, AND FINANCIAL AND TECHNICAL ASSISTANCE TO PROPERTY OWNERS WITHIN THE PARK. IT FURTHER AUTHORIZES THE SECRETARY TO CONSTRUCT ADMINISTRATIVE FACILITIES, A VISITOR'S CENTER, MUSEUM, THEATER, AND LIBRARY, AND IT AUTHORIZES THE SECRETARY TO ENTER INTO AGREEMENTS WITH THE PROGRESSIVE LEAGUE OF THE UNITED STATES FOR SUPERVISION AND MAINTENANCE OF THE PARK.

AFRICATOWN, U.S.A., IS THE COMMUNITY IN THE NORTHEASTERN SECTION OF MOBILE, ALABAMA, WHERE IT APPEARS THE LAST SLAVES TO BE BROUGHT TO THE UNITED STATES SETTLED.

IT IS IN THE VICINITY OF WHAT LATER BECAME THE COMMUNITIES OF PRICHARD AND MOBILE THAT THE SCHOONER CLOTILDE, WITH APPROXIMATELY 120 AFRICANS ABOARD, LANDED IN 1859. THE LANDING OF THE LAST SHIPMENT OF SLAVES IN THE UNITED STATES IS A SIGNIFICANT MOMENT IN THE CHAIN OF EVENTS THAT ENCOMPASSED THE HISTORY OF SLAVERY AND ITS ABOLITION. UNLIKE EXISTING UNITS OF THE NATIONAL PARK SYSTEM RELATED TO BLACK HISTORY, HOWEVER, LITTLE DOCUMENTATION EXISTS OF AFRICATOWN'S REMAINING HISTORICALLY SIGNIFICANT SITES AND OBJECTS. BASED ON OUR PRELIMINARY ASSESSMENT, NO PROPERTIES OF NATIONAL HISTORICAL SIGNIFICANCE HAVE BEEN IDENTIFIED.

MR. CHAIRMAN, WHILE THE EVENT OF THE LAST LANDING IS SIGNIFICANT, THE SITE WHERE IT OCCURRED HAS BEEN LITTLE STUDIED. AFRICATOWN IS A MODERN COMMUNITY; IT IS IMPACTED BY MODERN RESIDENTIAL AND INDUSTRIAL CONSTRUCTION INCLUDING MANY RAIL LINES. LARGELY FOR THESE REASONS THE AREA HAS NOT BEEN LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES. MOREOVER, THE NATIONAL PARK SERVICE HAS NOT DONE A NATIONAL HISTORIC LANDMARK STUDY OR A SUITABILITY-FEASIBILITY STUDY OF THE AREA.

A UNIT OF THE NATIONAL PARK SYSTEM MUST HAVE INTEGRITY, AND IT MUST BE SUITABLE AND FEASIBLE TO MANAGE. AFRICATOWN HAS NONE OF THESE QUALITIES. TO POSSESS INTEGRITY, A SITE MUST BE THE ORIGINAL LOCATION OF AN EVENT AND IT MUST HAVE ELEMENTS OF FEELING AND ASSOCIATION WITH THAT EVENT; A BUILDING MUST ALSO HAVE ORIGINAL WORKMANSHIP AND LOCATION; AND A DISTRICT MUST HAVE ORIGINAL WORKMANSHIP, ORIGINAL LOCATION, AND ELEMENTS OF FEELING AND ASSOCIATION. THE MARTIN LUTHER KING, JR., NATIONAL HISTORIC SITE IN ATLANTA, AND THE BOSTON AFRICAN AMERICAN NATIONAL HISTORIC SITE IN ROXBURY, MASSACHUSETTS, ARE EXAMPLES OF RECENT CONGRESSIONAL AUTHORIZATIONS OF SITES WHICH POSSESS HISTORICAL INTEGRITY.

YOU WILL NOTE, MR. CHAIRMAN, THAT THERE IS NO BOUNDARY REFERRED TO IN THE BILL AND NO ACREAGE LIMITATION ON LAND ACQUISITION. BOTH ARE NORMALLY A PART OF THE PARK SYSTEM LEGISLATION APPROVED BY YOUR COMMITTEE. WE CAN OFFER NO RECOMMENDATIONS AS TO BOUNDARIES OR ACREAGES. ONE VERSION OF THE SITE PROPOSED BY LOCAL INTERESTS WAS ABOUT 8,000 ACRES; ANOTHER VERSION PROPOSED AS LITTLE AS 800 ACRES.

IN SUMMARY, WE CANNOT SUPPORT NATIONAL PARK SYSTEM DESIGNATION OF AN AREA THAT HAS NOT BEEN DETERMINED TO BE NATIONALLY SIGNIFICANT. FROM WHAT WE KNOW OF THE AREA, IT DOES NOT POSSESS HISTORICAL INTEGRITY. IF, HOWEVER, YOUR COMMITTEE BELIEVES THAT FURTHER RESEARCH AND STUDY SHOULD BE DONE ON THE RESOURCES OF THE AREA, WE WOULD OF COURSE CONDUCT SUCH A STUDY IF FUNDS WERE MADE AVAILABLE. WE ESTIMATE A STUDY WOULD COST $50,000 AND TAKE THREE MONTHS TO COMPLETE.

THIS CONCLUDES MY PREPARED STATEMENT, MR. CHAIRMAN. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU OR MEMBERS OF THE COMMITTEE MAY HAVE.

Senator Wallop. Thank you very much, Ms. Grier. I think the committee may take you up on the last suggestion. Clearly it is difficult to establish a park without a boundary.

In the last paragraph of Senator Heflin's statement, he said that he didn't want to get hung up on terminology. The Federal Government is only being asked to pay for a feasibility study.

I think they would accept that as the proper road to travel and we will inquire with them if that is the case. So I appreciate your testimony on that. Now, we are going to 542.

I have a statement which I wish to make on 542 before you proceed. It is as follows: At section V, Public Law 90-401 was intended to enable the Federal Government to recoup funds spent initially for land acquisition and return them to the land and water conservation fund.

Under such transaction, the Federal Government would perceive the benefit in the increase of the fair market value of the land after its acquisition. In 1968, the Interior Department's report stated that the sellback program could yield from 40 to more than 100 percent of the initial acquisition cost.

Leaseback transactions could yield from 4 to 7 percent of the initial land acquisition cost per year. The Senate Interior Committee report of March 29, 1968, states as follows:

> Secretary of Interior, in exercising the leaseback and sellback authority, is required to allow the last owner of record an opportunity to match the highest bid price. Further amendment authorizes the Secretary to require the former owner to exercise his option within a reasonable period of time and arrange for a reasonably prompt payment.
>
> While the Secretary is authorized to convey such free-holds or lease-holds in a manner which is, in his judgment, consistent with the purpose for which the area was authorized by the Congress, the committee wishes to make clear the legislative intent that new commercial development, such as residential subdivisions within national parks, seashores, recreation areas and the like, is not to be considered within the purposes for which such areas were and will be authorized by Congress.
>
> But if other uses are deemed to be compatible with the purpose of the Federal area, then this management tool could work to great advantage in the land administration of our national park system.

Under exchange authority, the amendment to section 2(b) makes the land exchange authority of the Secretary consistent with similar authority the committee has been writing into recent park and recreation area legislation.

See, if you will, for example, the act of September 21, 1965, authorizing the Assateague Island National Seashore; the act of March 10, 1966, authorizing the Cape Lookout National Seashore, and the act of October 16, 1966, authorizing the Pictured Rock's National Lakeshore.

Now the Secretary may acquire privately owned, as now written, the Secretary may acquire privately owned tracts within the exterior boundaries of the unit of the national park system by exchanging federally owned tracts under the jurisdiction of the Department of the Interior in the same States or State as the national park unit.

Values must be approximately equal. The authority to convey a freehold or leasehold interest has not been used by the National Park Service. The National Park Service has used funding through the land and water conservation fund authority, to acquire in fee and use the authority in Public Law 90-401.

It did not provide financial incentives to encourage its use. Proceeds go back to the Treasury and would mean reappropriation. Now, S. 542 would expand the scope of Federal land covered in 90-401 from those acquired by the Secretary of the Interior to those administered by both the Secretary of the Interior and the Secretary of Agriculture, with lands within national parks or national monuments and national forest wilderness area or national monuments being excluded.

The proceeds from any conveyance would be directly accounted to the appropriation account bearing the land acquisition cost of the unit.

The individual unit of the national park—or national forest—would be able to use the proceeds directly and without further appropriation for land acquisition. This idea came about as the result of the two workshops that I held on land acquisition and protection.

I intended it to be used as another tool, an alternative to land protection. It is not designed or intended to be a legislative initiative to land disposal, asset management, or mass sale of public lands.

The concept is sound and its extension was signed into law last week in the National Trails Act amendment and I quote from the Senate report 98-1 from the Department of the Interior report on H.R. 861.

> With the help of your committee, we have been working to apply a land-protection policy to areas funded by the land and water conservation fund. The thrust of this new policy which we published in 1982 following the invaluable workshops last year which your committee hosted, is the use, wherever appropriate, of alternatives to fee purchase of land.
>
> To implement this policy, some new tools are needed. H.R. 861 contains several provisions that would give the National Park Service and the Forest Service some new tools to apply land protection to units of the national trails system.
>
> We support these provisions wholeheartedly. At this year's workshop, we released reports of certain case studies we had done. These case studies indicated how alternatives to fee simple acquisition could accomplish an appropriate level of protection and at the same time reduce Federal costs.
>
> One such study treated the Appalachian National Scenic Trail, one of the first components designated by Congress as part of the national trails system. H.R. 861 provides the tools that our case study indicated would be desirable for application to the Appalachian Trail.
>
> One, disposal of the remnant lands. H.R. 861 authorized the acquisition of remnants of whole parcels with the owners' consent and the sale of the unneeded remnant.
>
> Under existing law, the proceeds of such a sale would go into the land and water conservation fund. Under H.R. 861, however, the proceeds shall be accredited to the appropriation bearing the cost of land acquisition for the particular trail.
>
> Thus, these funds become immediately available without further appropriation for continued acquisition of needed trail rights of way. Two, the tax status of donated interests.
>
> H.R. 861 states that for Federal tax purposes, donation of less than fee interest for trail purposes will satisfy the requirement for conservation purposes. This language will clarify the status of donation of easements within as well as near the trail corridor, thus encouraging cost-effective land protection. We strongly support these provisions.

Let me assure my colleagues and you at the witness table that S. 542 is a land protection initiative and device. I have asked the Forest Service to regard it as such in a letter sent April 4, 1983, as follows, to Chief Peterson:

Dear Chief Peterson: S. 542 will amend Public Law 90-401 to include the national forest system into existing authorities of the Secretary of the Interior. The bill is not intended to provide a blanket authority to sell public land.

As such, the authority of S. 542 shall not be in furtherance of asset management proposals of the administration. We wish your assistance providing a drafting service to assure that S. 542 is amended to provide additional management authority to convey unneeded lands with necessary protection so as to provide funds for the purchase of lands of greater resource needs within specified areas of the national forest system. Sincerely, Malcolm Wallop.

I hope that that clarifies the intent of that legislation. In S. 542, the scope of the reach of this bill is greatly increased by using the word administered instead of acquired, as used in Public Law 90-401.

This expands the Federal land that comes under the provisions of S. 542. This may be way too broad and we will amend that section to eliminate any speculation that may occur as to what is intended by this legislation.

I hope that clarifies some of the concerns that I anticipate you will make.

Please proceed.

Ms. GRIER. Thank you, Mr. Chairman. We appreciate your comments on the asset management aspects and agree wholeheartedly with your position on that, as well as that of the administration.

You mentioned S. 542 would amend section V by extending its provisions to certain areas within the national forest system, by eliminating 2-year limitation on the requirement to notify previous owners of their right of first refusal, and by providing that the proceeds from the freehold or leasehold conveyances be credited to that park or forest area's appropriation for land acquisition instead of to the land and water conservation fund.

Mr. Chairman, this authority has not been used to date and we defer to the U.S. Forest Service on the extension of this authority to properties within the national forest system.

We believe that Congress is in the best position to judge the equities of extending the period of time during which previous owners must be notified in writing of their right of first refusal.

Therefore, we defer to Congress in this matter. We note, however, that beyond the normal administrative difficulties inherent in locating previous owners after the passage of a considerable period of time, any actual failure to locate a previous owner may tend to cloud the title of lands or interest acquired from the Secretary under the provisions of this act.

Section 5(c) would credit the proceeds of the conveyances to the appropriation bearing the cost of land acquisition to the affected area rather than the land and water conservation fund.

We must oppose this provision of S. 542 on the basis that all funding for land acquisition should be on budget, thus providing for institutionalized review by the Department, by OMB, and the Congress.

Mr. Chairman, this concludes my testimony and I would be happy to answer any questions.

Senator WALLOP. Why don't we go and hear as well from Deputy Chief Housley?

STATEMENT OF RAYMOND M. HOUSLEY, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. **Housley**. Thank you, Mr. Chairman.

We appreciate this opportunity to appear before the subcommittee and present our views. I have a brief statement on S. 542 as it was introduced and I would like to submit that for the record.

It does not reflect an evaluation of the comments that you just made, of course. In addition, I would like to say that the Forest Service had several participants in your workshops last year, interested participants who we hope contributed successfully to the output of those workshops.

We are pleased to see that many of the concepts that were developed at that time aimed at protecting public land values at the most economical cost are now beginning to be recognized and introduced in legislative proposals.

We will of course be pleased to provide the drafting service which you requested of us in your April 4 letter.

[The prepared statement of Mr. Housley on S. 542 follows:]

STATEMENT OF
RAYMOND M. HOUSLEY
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and Reserved Water,
Committee on Energy and Natural Resources
United States Senate

Concerning S. 542

April 7, 1983

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We appreciate the opportunity to appear here today to offer our views on S. 542, a bill that would amend section 5 of the Act of July 15, 1968. That section amended the Land and Water Conservation Fund Act of 1965 to permit the Secretary of the Interior to convey a freehold or leasehold interest in certain units of the National Park System. S. 542 would extend that authority to the Secretary of Agriculture for application to National Forest System lands.

The bill excludes from the authority land in National Forest wildernesses and National Monuments. It provides that terms and conditions may be applied that will assure that the use of the property is consistent with the purposes for which the area was authorized by Congress. The bill further provides that interest in property will be conveyed at not less than fair market value and to the highest bidder, except that the last owner of the property may acquire the interest being offered by paying an amount equal to the highest bid. The proceeds from the use of this authority are to be credited to the appropriation used for land acquisition for the affected area of the National Forest System.

The Department of Agriculture would support the bill only if amended to preserve the present practice of depositing sale proceeds into the Land and Water Conservation Fund or to provide that receipts be deposited into the general fund of the Treasury.

The Administration has sought to limit the acquisition of additional lands for Federal purposes and to emphasize the rehabilitation of Federal lands and facilities. However, to the extent that limited additions to Federal ownership are required, acquisitions can be financed from the Land and Water Conservation Fund.

Mr. Chairman, that concludes my prepared remarks. I will be happy to respond to questions.

Senator Wallop. You know, the whole purpose of it is not to have it go back to the land and water conservation fund. The purpose of it is for you to manage efficiently and with some encouragement, and to use these tools as alternative to fee acquisition to put them back into your appropriated accounts.

I am not talking about the kinds of things that OMB ought to have any particular concern about if it is operated properly. If it is not, you will all be in the dock for some other kind of a reason.

And it is ironic to me the inconsistency of attitude on the part of the administration when you all so enthusiastically jumped in and rode with the current on trails bill.

It is exactly the same thing. I just don't understand where the concern arises when you are trying to manage assets. This is not part of the asset management program. It has got to be viewed as something different from that.

The desire is to give you some tools to be efficient so that you can do some of these things rather quickly. One of the big problems that we've got with landowners and this darned Government of ours is that it cannot make up its mind, and when it does, Congress cannot make up its, and you hold people's assets in limbo—they continuing to pay taxes on them; you continuing to seek them for decades in some instances.

It is not fair to the people with whom you are dealing and it certainly does not add to the efficiency of the programs that you manage as defined and related by this legislation, including, I will admit, the narrowing that we would suggest.

I would hope somehow or another that you might go back, and for the sake of consistency, because you already had the trails bill signed, take a look at it; see if it isn't fairer to the people with whom you are dealing, and certainly more efficient in terms of management of the assets which you do manage.

I hope you can do that.

Ms. Grier. We certainly will.

Senator Wallop. Mr. Edwards, are you going to testify on this, too?

Mr. Edwards. No, Mr. Chairman.

Senator Wallop. OK. We will proceed then to 565, Mrs. Grier again.

Ms. Grier. Mr. Chairman, S. 565 would amend the Act of August 7, 1937, which authorized Cape Hatteras National Seashore, N.C., by directing the Secretary to enter into an agreement with the State of North Carolina under which the Secretary would pay up to 100 percent of the cost of repairing and maintaining a portion of North Carolina Highway No. 12, located within the boundary of Cape Hatteras National Seashore.

All funds appropriated under this authority would be in addition to, not in lieu of, any other Federal assistance to which the State of North Carolina is entitled.

Finally, S. 565 provides that this authority is effective only to the extent as provided in advance in appropriation acts, and only for the years beginning after September 30, 1983.

I would like to summarize my testimony inasmuch as Senator Helms was very proud of Cape Hatteras National Seashore and very adequately expressed its beauty to you in his testimony.

So I will skip back to the point that we have cited the State's estimate that approximately $19,100,000 would be required to reconstruct North Carolina 12 to a 24-foot width and 4-foot paved shoulders.

According to the State of North Carolina, the State currently spends $100,000 annually for road maintenance. Approximately 1.9 million people and 650,000 vehicles visited Cape Hatteras in 1982.

About 50 percent of these vehicles are from North Carolina and 50 percent from out of the State. Of the total, about 15 percent of the use is by local residents. Since the Federal Government and the State have a shared interest in the proper upkeep of North Carolina 12, we would support authority to share the cost with the State to bring North Carolina 12 up to standards.

Therefore, we recommend that the Secretary should be authorized to provide no more than 50 percent of the cost of repair and maintenance to North Carolina 12. We would fund our share of this cost from revenues received by this Department under the Surface Transportation Act as part of the Federal land highways program.

Mr. Chairman, in light of the present program to reduce Federal expenditures, we would oppose the enactment of S. 565 unless it were amended to authorize the Secretary, through the imposition of visitor user fees, to collect the amount necessary to reimburse the required Federal portion of the necessary improvements on North Carolina 12.

We estimate that a user fee of $2 charged to all but outerbanks residents would enable us to cover the Federal contribution to North Carolina 12 repair within 10 years. This estimate does not include the cost of administration of the user fee.

Future tolls to cover regular maintenance after repairs are completed could be adjusted downward. The amendments we have attached to my statement would accomplish the changes we propose in this legislation.

[The prepared statement of Ms. Grier on S. 565 follows:]

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 565, A BILL TO REQUIRE THE SECRETARY OF THE INTERIOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF NORTH CAROLINA WITH RESPECT TO THE REPAIR AND MAINTENANCE OF A CERTAIN HIGHWAY OF SUCH STATE LOCATED WITHIN CAPE HATTERAS NATIONAL SEASHORE.

APRIL 7, 1983

MR. CHAIRMAN, S. 565 WOULD AMEND THE ACT OF AUGUST 17, 1937, WHICH AUTHORIZED CAPE HATTERAS NATIONAL SEASHORE, NORTH CAROLINA, BY DIRECTING THE SECRETARY TO ENTER INTO AN AGREEMENT WITH THE STATE OF NORTH CAROLINA UNDER WHICH THE SECRETARY WOULD PAY UP TO 100 PERCENT OF THE COSTS OF REPAIRING AND MAINTAINING THE PORTION OF NORTH CAROLINA HIGHWAY NUMBER 12 LOCATED WITHIN THE BOUNDARY OF THE CAPE HATTERAS NATIONAL SEASHORE. ALL FUNDS APPROPRIATED UNDER THIS AUTHORITY WOULD BE IN ADDITION TO, NOT IN LIEU OF, ANY OTHER FEDERAL ASSISTANCE TO WHICH THE STATE OF NORTH CAROLINA IS ENTITLED. FINALLY, S. 565 PROVIDES THAT THIS AUTHORITY IS EFFECTIVE ONLY TO THE EXTENT AS PROVIDED IN ADVANCE IN APPROPRIATION ACTS, AND ONLY FOR THE YEARS BEGINNING AFTER SEPTEMBER 30, 1983.

CAPE HATTERAS NATIONAL SEASHORE WAS ESTABLISHED TO PRESERVE FOR PUBLIC USE AND ENJOYMENT LANDS AND WATERS THAT OCCUPY THE MAJOR PART OF THE BARRIER ISLANDS FROM WHALEBONE JUNCTION TO OCRACOKE INLET, NORTH CAROLINA, AND TO PROVIDE FOR COMPATIBLE VISITOR RECREATION USE IN SUITABLE AREAS. THE TOTAL ACREAGE OF THE NATIONAL SEASHORE IN FEDERAL OWNERSHIP IS 30,318.08 ACRES, INCLUDING THE PEA ISLAND NATIONAL WILDLIFE REFUGE. THE MOST IMPORTANT RESOURCE OF THE NATIONAL SEASHORE IS THE 70-MILE SEGMENT OF BARRIER BEACH WHICH IS VIRTUALLY UNSPOILED. THE SEASHORE ALSO PROVIDES ACCESS TO SOME OF THE FINEST SURF AND OFFSHORE FISHING IN THE WORLD.

OF THE 73 MILES OF NORTH CAROLINA 12 LOCATED WITHIN THE BOUNDARIES OF CAPE HATTERAS NATIONAL SEASHORE, APPROXIMATELY 42 MILES ARE IN NEED OF IMPROVEMENT. WHEN THE NATIONAL SEASHORE WAS ESTABLISHED, THE STATE OF NORTH CAROLINA RETAINED OWNERSHIP OF NORTH CAROLINA 12 IN ORDER TO GUARANTEE STATE CONTROL OVER THE USE OF THE ROAD. CONSEQUENTLY, UNDER EXISTING LAW THE NATIONAL PARK SERVICE IS NOT AUTHORIZED TO CONTRIBUTE TO THE CONSTRUCTION OR MAINTENANCE OF THIS STATE FACILITY. S. 565 WOULD AUTHORIZE THE FEDERAL GOVERNMENT TO PAY FOR CONSTRUCTION AND MAINTENANCE WITH NO CHANGE IN OWNERSHIP IN THE RIGHT-OF-WAY. WE ESTIMATE THAT APPROXIMATELY $19,100,000 WOULD BE REQUIRED TO RECONSTRUCT NORTH CAROLINA 12 TO A 24-FOOT WIDTH WITH 4-FOOT PAVED SHOULDERS. ACCORDING TO THE STATE OF NORTH CAROLINA, THE STATE CURRENTLY SPENDS $100,000 ANNUALLY FOR ROAD MAINTENANCE. APPROXIMATELY 1.9 MILLION PEOPLE IN 650,000 VEHICLES VISITED CAPE HATTERAS IN 1982. ABOUT 50 PERCENT OF THESE VEHICLES ARE FROM NORTH CAROLINA, AND 50 PERCENT FROM OUT-OF-STATE. OF THE TOTAL, ABOUT 15 PERCENT OF THE USE IS BY LOCAL RESIDENTS.

SINCE THE FEDERAL GOVERNMENT AND THE STATE HAVE A SHARED INTEREST IN THE PROPER UPKEEP OF NORTH CAROLINA 12, WE WOULD SUPPORT AUTHORITY TO SHARE THE COST WITH THE STATE TO BRING NORTH CAROLINA 12 UP TO STANDARD. THEREFORE WE RECOMMEND THAT THE SECRETARY SHOULD BE AUTHORIZED TO PROVIDE NO MORE THAN 50 PERCENT OF THE COST OF REPAIR AND MAINTENANCE TO NORTH CAROLINA 12. WE WOULD FUND OUR SHARE OF THIS COST FROM REVENUES RECEIVED BY THIS DEPARTMENT UNDER THE SURFACE TRANSPORTATION ACT AS PART OF THE FEDERAL LAND HIGHWAYS PROGRAM.

MR. CHAIRMAN, IN LIGHT OF THE PRESIDENT'S PROGRAM TO REDUCE FEDERAL EXPENDITURES WE WOULD OPPOSE THE ENACTMENT OF S. 565 UNLESS IT WERE AMENDED TO AUTHORIZE THE SECRETARY, THROUGH THE IMPOSITION OF VISITOR USER FEES, TO COLLECT THE AMOUNT NECESSARY TO REIMBURSE THE FEDERAL PORTION OF THE NECESSARY IMPROVEMENTS ON NORTH CAROLINA 12. WE ESTIMATE THAT A USER FEE OF $2.00, CHARGED TO ALL BUT OUTER BANKS RESIDENTS, WOULD ENABLE US TO COVER THE FEDERAL CONTRIBUTION TO NORTH CAROLINA 12'S REPAIR IN 10 YEARS. THIS ESTIMATE DOES NOT INCLUDE COSTS OF ADMINISTRATION OF THE USER FEE. FUTURE TOLLS TO COVER REGULAR MAINTENANCE AFTER REPAIRS ARE COMPLETED COULD BE ADJUSTED DOWNWARD. THE AMENDMENTS WE HAVE ATTACHED TO MY STATEMENT WOULD ACCOMPLISH THE CHANGES WE PROPOSE IN THIS LEGISLATION.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT.

AMENDMENTS TO S. 565

Cape Hatteras Road Maintenance and Rehabilitation

1. On page 1, line 4, strike out "Recreational".

This is a perfecting amendment.

2. On page 2, lines 1 and 5, strike out "shall" and insert in lieu thereof "may"; and in line 5 strike out "100" and insert in lieu thereof "50".

This amendment authorizes, rather than directs, the Secretary to enter into an agreement under which he may pay up to 50 percent of repair and maintenance. If the agreement must be subject to terms and conditions acceptable both to the Secretary and the State, it must be mutually acceptable. Language directing the Secretary to enter into an agreement is inconsistent with the requirement of mutuality.

3. On page 2, line 13, strike out the quotation marks and the final period, and after line 13 insert the following:

> "(c) Any payments made pursuant to this section shall be recovered from the proceeds of a special fee which the Secretary of the Interior may charge persons visiting the national seashore recreation area for the use of said portion of Highway 12 within the boundaries of the area. Notwithstanding any other provision of law, such proceeds shall be credited to the appropriation account from which such payments to the State are made.

This amendment authorizes a special fee for the use of Highway 12 within the seashore, to reimburse the Government for payments to the State. The fee would be authorized only with respect to persons visiting the seashore and not permanent residents of villages who must use the highway for access to their homes.

Senator **Wallop**. Thank you very much. I think that is a very practical way of viewing it. I do not believe that we ought to get ourselves wrapped up in the idea of 100 percent because we authorize up to 100 percent and then 50 percent, funded under last December's act, is probably a very good way.

I take that advice to heart.

Let's see. We go now to S. 680. I am stumbling on where you came down on 542, and one of the statements that was made—rattling around in the back of my head—and that was, you know, is the position of the administration not to acquire much more in the way of land.

This is the means by which you can contract your holdings, and hold them in some kind of meaning. That is the whole purpose of buy back, lease back, once you have attached to it the protection that you need to maintain the integrity of a park, a trail, a forest, whatever it is, and there is no need for you to own it.

There may well be a perfectly good reason why it would be in private hands and held on the tax roles of the State or county within which it is and the protection of the integrity assured.

I just didn't want the idea to go over that we were trying to expand your authority to acquire land. Indeed, what this does really is to give you a tool by which you don't have to in many instances, an alternative to fee acquisition, which was the whole point of those hearings.

Ms. **Grier**. Needless to say, we appreciate the work that you have done in the workshops that you have held on this and we have really taken to heart the land protection policy and are now doing land protection plans for those units in which we still have private inholdings.

It is a marvelous tool. I think it will enable the Park Service to greatly expand the protection of lands at less than the cost of normal fee acquisition where that lends itself.

Senator **Wallop**. It won't work in every instance, clearly.

Ms. **Grier**. That is absolutely correct.

Senator **Wallop**. But in those instances in which it does, it might have real flexibility for you, and go a long way toward softening your relationships which sometimes develop with those who find themselves in the path of somebody's view of integrity.

Anyway, forgive me for interrupting. We are now to 680.

Ms. **Grier**. Yes, sir, we have no objection to the enactment of S. 680 with the addition of a minor amendment. The purpose of course, as we have heard earlier, would be to recognize a dedication, commitment, concern, quality of service to the public, and the high ideals and principles of Mrs. Gladys Noon Spellman, a former Member of the House of Representatives, by renaming the Baltimore-Washington Parkway the Gladys Noon Spellman Parkway.

I will skip through that portion of my testimony, Mr. Chairman. We have a suggested amendment to section 3 which authorizes and directs the Secretary in cooperation with the State of Maryland to erect an appropriate marker commemorating the outstanding contributions of Mrs. Spellman at a suitable location adjacent to the parkway.

We would like to see that amended to delete the words "and directed" on page 2 of lines 15 and 16. Because the erection of a marker must be done in cooperation with the State of Maryland, we feel discretionary rather than mandatory language would be appropriate.

We also believe that a suitable marker would consist of a plaque on a boulder in a landscaped setting and would cost approximately $8,000. However, at this time we have not determined the actual site of a marker.

And also, Mr. Chairman, in these times of tight budgetary constraints, we do not recommend the replacement of the existing signs at this time. Further, the signs should be changed as replacement needs arise.

Therefore, we recommend additionally that the sentence beginning on page 2, line 11 be deleted. This completes my prepared testimony.

[The prepared statement of Ms. Grier on S. 680 follows:]

STATEMENT OF MARY LOU GRIER, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 680, A BILL TO DESIGNATE THE "GLADYS NOON SPELLMAN PARKWAY."

APRIL 7, 1983

WE HAVE NO OBJECTION TO THE ENACTMENT OF S. 680, WITH THE ADDITION OF A MINOR AMENDMENT.

THE PURPOSE OF S. 680 WOULD BE TO RECOGNIZE THE DEDICATION, COMMITMENT, CONCERN, QUALITY OF SERVICE TO THE PUBLIC, AND THE HIGH IDEALS AND PRINCIPLES OF MRS. GLADYS NOON SPELLMAN, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, BY RENAMING THE BALTIMORE/WASHINGTON PARKWAY, THE GLADYS NOON SPELLMAN PARKWAY.

SECTION 2 OF THE BILL DESIGNATES THE 19-MILE SEGMENT OF THE BALTIMORE/WASHINGTON PARKWAY UNDER THE JURISDICTION OF THE SECRETARY OF THE INTERIOR AS THE GLADYS NOON SPELLMAN PARKWAY AND DIRECTS THAT ANY FUTURE MAPS, REGULATIONS, DOCUMENTS OR RECORDS OF THE UNITED STATES REFERRING TO THE PARKWAY SHALL BEAR THE NAME OF GLADYS NOON SPELLMAN PARKWAY. IT ALSO REQUIRES THE REPLACEMENT OF EXISTING SIGNS BEFORE OCTOBER 1, 1983. WE ESTIMATE THE COST OF REPLACING THE EXISTING PARKWAY SIGNS WOULD BE $30,000.

SECTION 3 AUTHORIZES AND DIRECTS THE SECRETARY, IN COOPERATION WITH THE STATE OF MARYLAND, TO ERECT AN APPROPRIATE MARKER COMMEMORATING THE OUTSTANDING CONTRIBUTIONS OF MRS. SPELLMAN AT A SUITABLE LOCATION ADJACENT TO THE PARKWAY. WE DO NOT OBJECT TO THE ENACTMENT OF S. 680 IF SECTION 3 IS AMENDED TO DELETE THE WORDS "AND DIRECTED" ON PAGE 2, LINES 15 AND 16.

BECAUSE THE ERECTION OF A MARKER MUST BE DONE IN COOPERATION WITH THE STATE OF MARYLAND, WE FEEL DISCRETIONARY RATHER THAN MANDATORY LANGUAGE WOULD BE APPROPRIATE. WE BELIEVE A SUITABLE MARKER WOULD CONSIST OF A PLAQUE ON A BOULDER IN A LANDSCAPED SETTING, AND WOULD COST ABOUT $8,000. HOWEVER, AT THIS TIME, WE HAVE NOT DETERMINED THE ACTUAL SITE FOR SUCH A MARKER.

MR. CHAIRMAN, IN THESE TIMES OF TIGHT BUDGETARY CONSTRAINTS WE DO NOT RECOMMEND THE REPLACEMENT OF THE EXISTING SIGNS AT THIS TIME BUT WOULD PREFER THAT THE SIGNS BE CHANGED AS REPLACEMENT NEEDS ARISE. THEREFORE, WE RECOMMEND ADDITIONALLY THAT THE SENTENCE BEGINNING ON PAGE 2, LINE 11 BE DELETED.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT.

Senator WALLOP. I think that is a good suggestion that the committee will probably tend to follow, something along those lines. I appreciate it.

Ms. GRIER. Thank you.

Senator WALLOP. Now, H.R. 1213. There is room now at the table. I will call up the Pennsylvania Avenue Development Corporation people. Mr. Berliner, Mr. Regan, and Mr. Milin.

Ms. GRIER. On behalf of the Department of the Interior, we appreciate the opportunity to offer testimony on H.R. 1213 as it relates to the national park system.

Section 2 of H.R. 1213 authorizes the simple land exchange at Effigy Mounds National Monument, Iowa. You know, Mr. Chairman, this section of H.R. 1213 is identical to S. 473, which passed the Senate on March 2, 1983.

We continue to support this provision. It is basically an equal-value exchange with a neighboring landowner which will improve the administration of the monument.

I will skip that portion of my testimony with regard to Harry S. Truman. We have already covered that. Section 4 of H.R. 1213 would amend section 9 of the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore by raising the ceiling on appropriations for land acquisition from $33,500,000 to $42,917,575.

Mr. Chairman, this increase would reflect the appropriations by the 97th Congress of $5.5 million for anticipated condemnation awards at Cape Cod, plus $3,971,575 previously expended under the authority of Public Law 95-42. We have no objections to this provision.

Section 5 of H.R. 1213 would increase the ceiling at Cape Lookout National Seashore, N.C. from $7,903,000 to $13,903,000.

This ceiling would cover appropriations already made by the 97th Congress in the amount of $2 million plus $4 million contained in our fiscal year 1984 recommendations for appropriation to pay anticipated condemnation awards.

We support the enactment of this provision. Section 6 of H.R. 1213 would increase the ceiling on appropriations for land acquisition at Sleeping Bear Dunes National Lakeshore, Mich., from $66,153,000 to $82,149,558.

In the 97th Congress, we recommended an increase of $8.4 million to cover our fiscal 1983 budget request for anticipated condemnation awards. The 97th Congress did, in Public Law 97-361, increase the ceiling by $8.4 million to a new ceiling of $66,153,000, although no funds were appropriated pursuant to this authority.

The ceiling increase did not take into account the $3,996,558 expended under the authority of Public Law 95–42 which effectively then raised the ceiling to $70,149,558.

So this fiscal year we are requesting $12 million additional for anticipated condemnation awards. Therefore, we support this further increase in the ceiling for appropriations for land acquisition at Sleeping Bear Dunes in the amount of $12 million for a new ceiling of $82,149,558.

Section 7 of H.R. 1213 would increase the ceiling for appropriations for land acquisition by $25 million at Congaree Swamp National Monument, S.C. The existing ceiling was established at $35,500,000 in section 5 of the act of October 18, 1976.

The entire amount authorized has been expended or obligated. The fiscal year 1984 budget recommendation of the Department of the Interior contains $25 million for land acquisition at Congaree to cover anticipated deficiencies from previously filed condemnation court cases.

Therefore, we support the enactment of a new ceiling of $60,500,000 for Congaree.

I just received a note, Mr. Chairman, that the Justice Department advises that $25 million is enough if it prevails on an issue of the actual date of taking, 1980 versus 1978. And if that does not prevail, $30 million would be needed.

Senator WALLOP. Does the note give any indication as to when they will know of their ability to prevail?

Mr. KRIZ. The Commission has made a recommendation for award. The deficiency is on the order of $14 million. The real question is the amount of interest to be paid on that deficiency. That will be determined by the court this year.

Senator WALLOP. Will you for the record identify yourself?

Mr. KRIZ. Willis Kriz; K-R-I-Z; Chief, Land Resources Division, National Park Service.

Senator WALLOP. Thank you.

Ms. GRIER. The last section of H.R. 1213 that relates to the national park system is section 9, which would increase the statutory ceiling on appropriations for development at Perry's Victory International Peace Memorial, Ohio, from $9,327,000 to $9,825,000 , an increase of $498,000.

The 97th Congress appropriated the necessary funds for the development envisioned by this increase and we have no objection to this provision. Mr. Chairman, this concludes my prepared statement on H.R. 1213.

Mr. HOUSLEY. Two provisions of H.R. 1213 affect. the lands of the national forest system , sections 13 and 14. Section 13 deals with the Sequoia National Forest in Tulare County, Calif., specifically the conveyance of two parcels of Federal land to certain owners of adjoining private lands.

The land described in the bill as parcel A lies near the Hartland subdivision, a community within the national forest, and the land described in the bill as parcel B adjoins property owned by Ms. Betsy Murphy.

A discrepancy in surveys of Parcel A was discovered in 1981 when the Forest Service resurveyed the national forest boundary which adjoins the Hartland subdivision. The private land had been surveyed in 1923 only to delineate lots in the Hartland subdivision.

A 1981 survey revealed that the private survey had been run in a Cardinal direction instead of along the original GLO line, thus creating the error. Seven property owners are affected, five of whom have constructed improvements on the Federal land; an area of approximately 0.42 of an acre of Federal land is involved.

A 1979 Forest Service survey revealed the conflict in parcel B. That survey retraced a 1972 private survey which had accurately located and retraced an 1881 GLO line.

These improvements occupied and used by Ms. Murphy consisting of about two-thirds of her home, the access road, a well and a garden are in trespass on the national forest.

This property was acquired by Ms. Murphy in 1973, although the house had been in existence for about 40 years. Mrs. Murphy's deed for the property describes no Federal land, and less than 1 acre of Federal land is involved.

Special legislation to resolve the parcel A conflict is not necessary. The Small Tracts Act which this committee dealt with and succeeded in enacting in the last session of Congress provides the general authority to resolve disputes involving encroachments on the national forest when such encroachments or innocent occupancy or due to a faulty private survey or erroneous title search or land description.

Circumstances involving the Hartland subdivision are such that this matter can properly be handled under the Small Tracts Act just as soon as the implementing regulations become effective.

Parcel B is located several miles from parcel A and thus is not part of the Hartland subdivision as language in the section would indicate.

We do not believe that parcel B meets the criteria of the Small Tnacts Act. Both the 1979 Federal survey and the 1972 private survey are correct. The house and subsequent improvements were apparently simply built in the wrong place.

We believe this matter can best be handled through administrative action. This would involve the issuance of a special use permit to Ms. Murphy authorizing occupancy of the Federal land for a specific period, perhaps even life occupancy.

Moving to section 14 of the bill, we strongly support the provisions of that section. It would modify the boundaries of the San Juan and San Isabel National Forests in Colorado and an order to consolidate intermingled and adjacent lands administered by the Forest Service and the Bureau of Land Management.

It would also extend the boundaries to encompass about 9,000 acres of land acquired by the Bureau of Reclamation for the McPhee Dam and Reservoir, part of the Dolores River project located near Durango.

About 25,500 acres of public lands in 8 areas administered by the Bureau of Land Management would be added to the national forest. About 31,600 acres of national forest system land in three areas also would be transferred to the jurisdiction of the BLM. A more detailed description of the 11 acres is attached to the statement to be provided for the record.

The national forest boundary modification proposed by this section are supported by a joint Forest Service/Bureau of Land Management study made in 1978. That study found that management efficiencies could result from such consolidation.

Further, the transfers would permit the national forest boundaries to coincide more closely with water courses, topography, natural landscape features, and existing potential land uses.

The transfer proposed along the Dolores River would allow the BLM to efficiently administer the entire recreation resource in that area. While the proposed boundaries fail in some cases to reduce mileage and numbers of property corners, they do minimize the inclusion of private land within the national forest boundary and no acquisition of private land would be required in any event.

Local governments have supported the proposed transfer of jurisdiction. Section 14 contains a provision that requires the Forest Service to study for wilderness suitability those BLM lands which would be transferred and which are currently designated as wilderness study areas.

Four areas are involved and occur in area 3. Because the lands are adjacent to a statutory study area on one side and an existing wilderness on the other, we would have no objection to expanding the present study to include the four areas as proposed in this section.

That concludes our statement on sections of interest to the Department of Agriculture.

[The prepared statement of Mr. Housley on H.R. 1213 follows:]

STATEMENT OF
RAYMOND M. HOUSLEY,
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and Reserved Water,
Committee on Energy and Natural Resources
United States Senate

Concerning H.R. 1213

April 7, 1983

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to appear here today to offer the views of the Department of Agriculture on H.R. 1213. Two provisions of the bill--sections 13 and 14--affect the lands of the National Forest System and we will limit our remarks to these sections.

SECTION 13--HARTLAND SUBDIVISION--SEQUOIA NATIONAL FOREST

Section 13 of the bill would resolve conflicts over a portion of the boundary of the Sequoia National Forest in Tulare County, California. This section would require the Secretary of Agriculture to convey all right, title and interest in two parcels of Federal land to certain owners of adjoining private lands. The land described in the bill as Parcel A lies near the Hartland Subdivision, a community within the National Forest; and the land described in the bill as Parcel B adjoins property owned by Ms. Betsy Murphy. The land would be conveyed without consideration to owners who submit a written application with appropriate proof of title to the Secretary within 5 years of enactment.

A discrepancy in surveys of Parcel A was discovered in 1981, when the Forest Service resurveyed the National Forest boundary which adjoins the Hartland

Subdivision. This survey reestablished through recovered evidence the corners that were established in the original General Land Office (GLO) survey made in 1883. A true line surveyed between these recovered corners established the boundary and revealed the encroachment by the adjoining owners. The private land had been surveyed in 1923 only to delineate lots in the Hartland Subdivision. The 1981 survey revealed that the private survey had been run in a cardinal direction instead of along the GLO line, thus creating the error. Seven property owners are affected, five of whom have constructed improvements on the Federal land. An area of approximately 0.42 acre of Federal land is involved.

A 1979 Forest Service survey revealed the conflict in Parcel B. That survey retraced a 1972 private survey which had accurately located and retraced an 1881 GLO line. Improvements occupied and used by Ms. Murphy, consisting of about two-thirds of her home, the access road, a well and a garden are in trespass on the National Forest. The property was acquired by Ms. Murphy in 1973, although the house has been in existence for about 40 years. Ms. Murphy's deed for the property describes no Federal land. Less than one acre of Federal land is involved.

Special legislation to resolve the Parcel A conflict is not necessary. Public Law 97-465, approved by the President on January 12, 1983, and referred to as the "Small Tracts Act," provides a general authority to resolve disputes involving encroachments on the National Forests when such encroachments, or innocent occupancy, are due to a faulty private survey, or erroneous title search or land description. The circumstances involving the Hartland Subdivision are such that this matter can be properly handled under the Small Tracts Act.

Parcel B is located several miles from Parcel A and thus is not a part of the Hartland Subdivision as language in the section would indicate. We do not believe that Parcel B meets the criteria of the Small Tracts Act. Both the 1979 Federal Survey and the 1972 private survey are correct and confirm the historic location of the 1881 GLO survey. Also, no errors were made in the title search or legal description of the property. The house and subsequent improvements were apparently built in the wrong place.

Rather than take the approach proposed in the legislation concerning Parcel B, we believe the matter can best be handled through administrative action. This would involve the issuance of a special use permit to Ms. Murphy, authorizing occupancy of the Federal land for a specified period, perhaps a life occupancy. We also suggest that, inasmuch as the Federal land is occupied in trespass, conveyance without consideration, as is provided for in this section, would not be appropriate.

SECTION 14--MODIFYING THE BOUNDARY OF THE SAN JUAN AND SAN ISABEL NATIONAL FORESTS

We strongly support the provisions of section 14 of the bill. It would modify the boundaries of the San Juan and San Isabel National Forests in Colorado in order to consolidate intermingled and adjacent lands administered by the Forest Service and Bureau of Land Management. It would also extend the boundary to encompass about 9,000 acres of land acquired by the Bureau of Reclamation for the McPhee Dam and Reservoir, a part of the Dolores River Project located near Durango. About 25,500 acres of public lands in eight areas administered by the Bureau of Land Management would be added to the National Forest. About 31,600 acres of National Forest System land in three areas would be transferred to the jurisdiction of the BLM. A more detailed description of the 11 areas is attached to this statement.

The section contains a provision that insures that persons or groups holding permits, easements, rights-of-way or leases would not be adversely affected by the transfer of jurisdiction. Terms and conditions of the authorization would be administered by the agency acquiring jurisdiction. Renewal of an authorization would be under the regulations of the acquiring agency, and the transfer of jurisdiction would not be cause to deny renewal of an authorization.

The National Forest boundary modifications proposed by this section are supported by a joint Forest Service-Bureau of Land Management study made in 1978. That study found that management efficiencies could result from such consolidation. Further, the transfers would permit the National Forest boundaries to coincide more closely with water courses, topography, natural landscape features and existing and potential land uses. The transfer proposed along the Dolores River would allow the BLM to efficiently administer the entire recreation resource in that area.

While the proposed boundaries fail in some cases to reduce mileage and numbers of property corners, they do minimize the inclusion of private land within the National Forest boundary. No acquisition of private land would be required in any event. Local governments have supported the proposed transfer of jurisdiction.

Section 14 contains a provision that requires the Forest Service to study for wilderness suitability those BLM lands which would be transferred and which are currently designated as wilderness study areas. Four areas are involved and occur in Area 3. We are required to study an adjacent National Forest area--the West Needle Study Area--under the provisions of the Colorado Wilderness Act of 1980. Lands added to the National Forests would normally be examined for their full range of resources and potential uses under the planning process prescribed by the National Forest Management Act. However, because the lands are adjacent to the statutory study area on one side and an existing wilderness on the other, we would have no objection to expanding the present study to include the four areas as is proposed in this section.

The transfer of lands between the three agencies as recommended in this section represents a direction in which we expect to be moving in the months and years ahead. The Forest Service and BLM are currently looking at opportunities in all 11 Western States to make exchanges of jurisdiction over Federal lands to achieve efficiency and economy of administration. We expect to develop more proposals similar to these.

Mr. Chairman, that concludes my statement. I would be happy to answer the Subcommittee's questions.

USDA
SUPPLEMENTAL STATEMENT
ON
H.R. 1213

Description Of Areas To Be Transferred From Bureau Of Land Management To Forest Service Jurisdiction:

The first area, referred to on the map as "Dolores River Above Bradfield Ranch," comprises about 4,445 acres of Bureau of Land Management lands and is adjacent on the north and east to intermingled National Forest and private lands and on the west and south to private lands. The lands involved lie along the Dolores River and have physical characteristics similar to adjacent National Forest lands. About one-third of these lands and adjacent National Forest lands are withdrawn for the Bureau of Reclamation's Dolores Project (McPhee Dam and Reservoir). Upon completion of this project as planned, the proposed transfer of lands would eliminate intermingled and overlapping administration of lands surrounding the reservoir. This area also includes additional lands acquired or to be acquired by the Bureau of Reclamation for the dam and reservoir and which will be transferred to the jurisdiction of the Forest Service. These total about 9,000 acres.

The second area, labeled on the map as "Mancos Hill," comprises about 40 acres and is isolated from other Bureau of Land Management-administered lands. It lies adjacent to National Forest lands with similar characteristics and resource values.

The third area, labeled "Animas River," includes about 13,109 acres and is surrounded on three sides by National Forest System lands. Uses of these lands are similar; recreational uses are prominent. The proposed transfer would result in a Forest Service-administered area adjacent to the Weminuche Wilderness which should facilitate control of motorized vehicle use near the wilderness.

The fourth area, labeled "Lemon Reservoir," comprises about 5,899 acres of Bureau of Land Management-administered land situated within an indentation of the present National Forest boundary. These lands and the adjacent National Forest lands experience a relatively high annual forest fire occurrence. The proposed transfer would improve coordination of fire control action by aligning administrative jurisdictions with readily identifiable topographic features. It would also place all of a grazing allotment to one individual, presently administered by the Bureau of Land Management, under the jurisdiction of the Forest Service. Included in this area are about 2,039 acres of National Forest land outside of the present boundary which surround Lemon Reservoir. This land was transferred to the Forest Service in 1967 by the Bureau of Reclamation following completion of the reservoir.

The fifth area, labeled "Haystack Mountain," includes 680 acres. This land and the adjacent National Forest lands are devoted primarily to wildlife habitat protection. The proposed transfer would permit more efficient application of management practices.

The sixth area, labeled "Pagosa Springs," comprises about 516 acres in a single tract and joins National Forest land on the north and east. Legal access to the tract is through the National Forest lands only.

About 394 acres, labeled "Navajo River," are included in the seventh area. The tract contains a primitive campground on the Navajo River which provides the only public access for over 25 miles. Access to adjacent National Forest lands to the north is through this area.

The eighth area is adjacent to the San Isabel National Forest and comprises about 476 acres in a single tract. The lands in this area are devoted primarily to recreational uses (skiing). The proposed transfer would facilitate management of this resource.

Description Of Areas To Be Transferred From Forest Service To Bureau Of Land Management Jurisdiction:

The ninth area, referred to on the map as "Dolores River Below Bradfield Ranch," includes about 22,717 acres in the San Juan National Forest. Bureau of Land Management lands border on the north, west and south. A steep canyon rim on the east side of the Dolores River effectively isolates these lands from other National Forest lands above them. This rim would become the new boundary of the San Juan National Forest. Access to this land is through the Bureau of Land Management-administered lands. The land supports multiple uses typical of the adjoining BLM lands. Three grazing permittees who utilize these lands also utilize the adjacent BLM lands. Uranium exploration companies are active on both ownerships.

The tenth area, included in the area labeled "Mancos Hill," contains about 563 acres. These lands are joined on three sides by private and State lands, effectively isolating them from National Forest lands. Possible land exchanges with the State and private owners in the area have been identified by BLM which would consolidate their land holdings to the south. These lands provide the access to nearby BLM lands.

The eleventh area, included in the area labeled "Animas River," includes 8327 acres adjacent to Bureau of Land Management-administered lands to the west and north. It is in the same area as the third BLM to Forest Service proposed transfer. Primary uses of these lands and the adjacent BLM lands are the same and include mining exploration and development, recreation, and sheep grazing. Access to these lands is through the adjacent BLM lands.

Senator WALLOP. Thank you very much.

Let's see. Mr. Edwards, do you want to comment now?

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. EDWARDS. Thank you, Mr. Chairman. I appreciate the opportunity to appear before the subcommittee, this morning to discuss sections 11, 12 and 14 of H.R. 1213. Section 11 of H.R. 1213 would convey to the State of Florida the right of reverter and the mineral interests of the United States in approximately 0.69 acre of land previously conveyed as part of a patent to the State of Florida and part of a patent to the Florida Board of Forestry and Parks.

The conveyance of the reverter and mineral rights in this tract would be effective upon conveyance to the United States of marketable title to approximately 1.10 acres of land in Bay County, Fla., in fee simple absolute, free and clear of all liens and encumbrances, except those acceptable to the Secretary of the Interior.

Immediately upon receipt of title to the 1.10 acres, the Secretary of the Interior would be required to convey the 1.10 acres to the State of Florida, reserving to the United States a right of reverter in all mineral interests.

We have no objection to the enactment of section 11 of H.R. 1213.

The State-owned lands in the bill are part of two parcels of land conveyed to the State of Florida by the United States under the Recreation and Public Purposes Act, through two patents issued July 1948.

The patents provide that the land will revert to the United States upon a finding by the Secretary that for a period of 5 years, the land has not been used for park or recreational purposes or that the land or any part thereof is being diverted to other use. The land conveyed by the patents now comprises a part of the St. Andrews State Recreation Area.

We have been advised that the owner of lands adjacent to the park, Venture Out of America, Inc., inadvertently encroached upon approximately 13 feet, or 0.69 acre within the west boundary of the recreation area.

To rectify this, Venture Out offered to give the State 1.10 acres of its land adjacent to the park in exchange for that portion of the recreation area being encroached upon.

The State agreed to this proposal but cannot complete the exchange and convey the tract because of the reverter provisions in the patents. The State sought a waiver of the reverter provision, but the Secretary of the Interior does not have the authority to waive those provisions.

The United States presently has the right of reverter and the mineral interests in the 0.69 acre now owned by the State of Florida. If this bill is enacted and the transaction contemplated by section 11 is completed, the United States will have the right of reverter and the mineral interests in the 1.10 acres of land to be acquired by the State.

All administrative costs of the exchange would be paid by the State.

We have no objection to enactment, as I mentioned, and it would provide relief needed in this situation by allowing the State to make the exchange, subject to the reverter provisions.

At the same time, the Federal Government's interest will be protected since it will retain the mineral rights and the right of reverter in the 1.10 acres.

Senator WALLOP. Director Edwards, I note by perusing your testimony that you support each of the sections in which you are commenting. I wonder if, in the interest of your time and the committee's and the Pennsylvania Development Commission, you would care to make their statement and we will put the whole statement in the record on each of the sections.

Mr. EDWARDS. Mr. Chairman, that would be fine. I would be glad to do that. In the section 14 portion of my testimony, we do refer to some of the provisions that I understand were confusing at previous hearings and we hope that this testimony has clarified that situation.

Senator WALLOP. I think it does and has. As stated, I just did look through it. Very well. You're in agreement with the Forest Service on that?

Mr. EDWARDS. Yes, I am. Yes, we are, Mr. Chairman.

Senator WALLOP. Thank you very much and I appreciate your summarizing.

[The prepared statement of Mr. Edwards follows:]

APR 7 1993

STATEMENT OF FRANK A. EDWARDS, ASSISTANT DIRECTOR, LAND RESOURCES BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON SECTIONS 11, 12 AND 14 OF H.R. 1213, AN ACT "TO AMEND CERTAIN PROVISIONS OF LAW RELATING TO UNITS OF THE NATIONAL PARK SYSTEM AND OTHER PUBLIC LANDS, AND FOR OTHER PURPOSES."

I appreciate the opportunity to appear before the subcommittee this morning to discuss sections 11, 12, and 14 of H.R. 1213.

SECTION 11

Section 11 of H.R. 1213 would convey to the State of Florida, the right of reverter and the mineral interests of the United States in approximately sixty-nine hundredths (0.69) of an acre of land previously conveyed as part of a patent to the State of Florida and part of a patent to the Florida Board of Forestry and Parks. The conveyance of the reverter and mineral rights in that tract would be effective upon conveyance to the United States of marketable title to approximately 1.10 acres of land in Bay County, Florida, in fee simple absolute, free and clear of all liens and encumberances, except those acceptable to the Secretary of the Interior. Immediately upon receipt of title to the 1.10 acres, the Secretary of the Interior would be required to convey the 1.10 acres to the State of Florida, reserving to the United States a right of reverter and all mineral interests.

We have no objection to enactment of section 11 of H.R. 1213.

The State-owned lands described in the bill are part of two parcels of land conveyed to the State of Florida by the United States under the Recreation and Public Purposes Act, through two patents issued July 26,

1948. The patents provide that the land will revert to the United States upon a finding by the Secretary that for a period of five years the land has not been used for park or recreational purposes or that the land or any part thereof is being diverted to other use. The land conveyed by the patents now comprises a part of the St. Andrews State Recreation Area.

We have been advised that the owner of lands adjacent to the park, Venture Out of America, Inc., inadvertently encroached upon approximately 13 feet or 0.69 of an acre within the west boundary of the Recreation Area. To rectify this, Venture Out offered to give the State 1.10 acres of its land adjacent to the Park in exchange for that portion of the recreation area being encroached upon. The State agreed to this proposal, but cannot complete the exchange and convey the tract because of the reverter provision in the patents. The State sought a waiver of the reverter provision but the Secretary of the Interior does not have the authority to waive those provisions.

The United States presently has the right of reverter and the mineral interests in the 0.69 of an acre now owned by the State of Florida. If this bill is enacted and the transaction contemplated by section 11 is completed, the United States will have the right of reverter and the mineral interests in the 1.10 acres of land to be acquired by the State. All administrative costs of the exchange would be paid by the State.

We have no objection to enactment of section 11. It would provide the relief needed in this situation by allowing the State to make the exchange, subject to the reverter provision. At the same time, the Federal Government's interest will be protected since it will retain the mineral rights and the right of reverter in the 1.10 acres.

SECTION 12

Section 12 of the bill would provide that the 160-acre limitation of the Color-of-Title Act shall not apply to a claim filed under the Color-of-Title Act for a patent to a parcel of land in Louisiana that is described in the bill. All other provisions of the Color-of-Title Act would apply to any claim for a patent for the described parcel of land.

We have no objection to enactment of section 12.

The land described in section 12 comprises approximately 640 acres. The parcel was the subject of a private land claim by William Dennis in the early 1800's.

The Dennis claim was included in a report on land claims west of the Pearl River that was transmitted to the United States Senate on January 3, 1821. The report described the claim as only "partially improved." Apparently, the claim was not confirmed.

In 1846, the claim was before Congress again. It appears that the claim did not meet the requirements for confirmation established by Congress under the Act of August 6, 1846.

In 1913, legislation to confirm a number of land claims, including the Dennis claim, was introduced in Congress but was not enacted.

A thorough search of Bureau of Land Management records has failed to reveal a patent for the involved lands. Since no evidence exists that the claim was ever confirmed by the Congress or patented, the land remains part of the public domain and legal title resides in the United States. The current claimants to the land appear to have acquired it in good faith and to have paid taxes on it and otherwise maintained it as lawful owners. The claimants include the Georgia Pacific Corporation, which uses approximately 270 acres of the 640-acre parcel, the Crown-Zellerbach Corporation, which uses approximately 280 acres, and several private individuals.

The Color-of-Title Act provides the usual remedy to claimants asserting ownership of Federal land under circumstances such as those involved in this case. Under that Act, claimants meeting the requirements established in the Act may receive a patent for a maximum of 160 acres upon payment of compensation to the United States for the land, taking into account the equities of the claimant.

Patents issued under the Color-of-Title Act reserve to the United States the minerals in the involved lands, unless the claimant requests that the minerals not be reserved and if the claimant can satisfactorily demonstrate that all other requirements of the Act have been met and that the lands are not within a mineral withdrawal or subject to an outstanding lease. The lands involved in section 12 are not within such a withdrawal nor are they subject to a mineral lease.

Section 12 of H.R. 1213 would merely provide for waiving the 160-acre limitation of the Color-of-Title Act to allow the heirs and assigns of

William Dennis to apply for a patent under the Act. Adjudication of a claim under the Color-of-Title Act would resolve the issue of their compliance with other requirements of the law to obtain title to land held in adverse possession. In addition the Color-of-Title Act provides for compensation to the United States. For these reasons we have no objection to section 12 of H.R. 1213.

SECTION 14

Section 14 would adjust the boundaries of the San Juan and San Isabel National Forests in Colorado to consolidate the lands in those forests as well as lands administered by the Bureau of Land Management and lands acquired by the Bureau of Reclamation as part of the McPhee Dam and Reservoir. The stated purpose of the adjustment is to improve the efficiency of the administration of the lands by the respective agencies. Approximately 25,559 acres of Bureau of Land Management administered lands would be transferred to the jurisdiction of the Forest Service and administered in accordance with the laws, rules and regulations applicable to the National Forest System. Approximately 31,607 acres of National Forest System lands would be transferred to the jurisdiction of the Secretary of the Interior and administered in accordance with the laws, rules and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act.

Notwithstanding the modification of boundaries, lands administered by the Bureau of Reclamation that fall within the boundaries of the San Juan National Forest would continue to be under the jurisdiction of the Secretary of the Interior until the Secretary of the Interior, by agreement with the

Secretary of Agriculture, transfers them to the Department of Agriculture, at which time they would be administered under the laws, rules, and regulations of the National Forest System.

The modified boundaries of the San Juan and San Isabel National Forests would be treated as if they were the boundaries of those forests on January 1, 1965, for purposes of section 7 of the Land and Water Conservation Fund Act of 1965. That section provides for the acquisition of land, waters, or interests in land or waters for the National Forest System, National Park System, and the National Wildlife Refuge System.

The transfer of administrative jurisdiction of these Federal lands would not affect valid existing rights or interests in existing land use authorizations. The agency acquiring jurisdiction of the land would be responsible for administering such rights or authorizations. Reissuance of the authorization would be in accordance with applicable law and regulations of that agency. However, the transfer of administrative jurisdiction could not constitute a ground to deny the renewal or reissuance of the authorization.

Those parts of Bureau of Land Management Wilderness Study Areas and former wilderness study areas (Needle Creek, West Needles Contiguous, Whitehead Gulch, and Weminuche Contiguous) contained within area 3 (Animas River) that are made a part of the National Forest System by this Act, would be required to be studied in conjunction with the West Needles Wilderness Study Area, as provided in section 105 of the Colorado Wilderness Act of 1980. That section requires the Secretary of Agriculture to report to the Congress by December 31, 1983, concerning the suitability or nonsuitability for inclusion in the National Wilderness Preservation System of the lands studied.

The part of the Wilderness Study Areas that would remain under the Bureau of Land Management would continue to be reviewed under the provisions of section 603 of the Federal Land Policy and Management Act.

The provisions of section 14 would become effective upon the date of the enactment of H.R. 1213.

We favor enactment of section 14 of H.R. 1213.

Subsection (g) deals with all or part of two BLM wilderness study areas (WSA) and two former BLM WSAs. Although subsection (g) refers to four WSAs, two are no longer WSAs. Needle Creek and Weminuche Contiguous were deleted from WSA status on December 30, 1982, because each is less than 5,000 acres and therefore do not qualify for wilderness study under section 603 of FLPMA. However, on March 17, 1983, those two areas were designated for wilderness consideration under section 202 of the Federal Land Policy and Management Act. If Needle Creek, Weminuche Contiguous and the two WSAs become part of the National Forest System, as provided in subsection (g), responsibility would be transferred to the Forest Service for completion of the wilderness studies of these particular lands. This can be readily accomplished because the Forest Service has had the lead role in the West Needles Contiguous wilderness study, and the other three areas are located in the same general vicinity. The BLM wilderness study of these three areas is near completion, and the results can easily be turned over to the Forest Service.

This concludes my statement. I will respond to any questions you may have.

STATEMENT OF HENRY A. BERLINER, JR., CHAIRMAN, PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Mr. **Berliner**. Good morning, Mr. Chairman.

My name is Henry A. Berliner, Jr. On February 8, 1983, the President appointed three new members to the Corporation, naming me as Chairman.

We have previously filed with the committee a formal statement. I would ask that that be incorporated into the record.

Senator **Wallop**. It will be, indeed.

Mr. **Berliner**. I am here this morning to address H.R. 1213, and more specifically section 10, a bill which would extend the Corporation's authorization for salaries and expenses to fiscal year 1988 and to increase its authority to borrow funds from the U.S. Treasury for land acquisition.

Our Executive Director, Mr. Regan, and our Financial Manager, Mr. Milin, are with me here today. Senator Wallop, I know that as chairman of the subcommittee and as a member since 1979, you have seen many of the improvements on the Pennsylvania Avenue corridor and we renew our invitation made to you under a prior chairman to give you a personal tour of the avenue when your schedule permits.

Addressing the need for——

Senator **Wallop**. I renew my acceptance.

Mr. **Berliner**. Very good. We will try to get together. [Laughter.]

The Corporation's fiscal 1984 budget request for salaries and expenses totals $2,275,000 and in the absence of new authorizing legislation, it would be in jeopardy. Similarly, the Corporation's fiscal year 1984 budget request of $4 million for land acquisition and development is dependent on an increase in the currently authorized borrowing ceiling of $100 million, since $99.9 million in borrowing authority has already been appropriated.

The Corporation's fiscal 1983 request for borrowing authority was denied because the $100 million ceiling was not increased last year. The enactment of those portions of H.R. 1213 which address themselves to lifting the ceiling would provide the authorization necessary for the Corporation's program to continue.

However, there are other provisions of the bill which are applicable to the Corporation which we believe are unnecessary both from the Corporation and the administration point of view.

The provisions to which I refer are three, which would, one, require a one-time projection of future program costs 6 months after enactment of the bill; two, require an expanded report on historic preservation activities in the Corporation's annual report; and three, require a 30-day layover period in the Congress prior to the Corporation's undertaking of what the bill described as a "significant change" or "action" without further description of the meaning of those words.

The first two of these provisions in the bill are available at request to any Member of Congress of any committee at any time, and I won't comment on them further, simply to say that this is information which we readily provide without legislation, and we don't believe legislation is indicated for something which we do anyway.

The last of the three provisions would require prior notice to the House Interior Committee and to the Senate Committee on Energy and Natural Resources of proposed significant changes, and then a 30-day waiting period prior to implementation.

We feel this would significantly delay the Corporation's program, a program which is well defined and already controlled by legislation in the plan approved by Congress in 1974.

In addition, of course, there is congressional review of about four committees each year. The Appropriation Committees of the Senate and the House review the Corporation's budget request as well as Interior.

We welcome our opportunity to report on activities at any time, but the bill which the administration has proposed for the Senate's consideration is one which addresses only the needs for the funding authorization for salaries and expenses and land acquisition, and does not contain those provisions of H.R. 1213, the aforementioned provisions regarding particularly the 30-day layover period in the Congress.

Therefore, we favor enactment of the administration's proposed bill. I would only say I think it is unusual, I suppose, for an agency to come before you requesting 30 percent less annually in salaries and expenses than a bill already passed by the House.

But we would gladly trade the $1 million in salaries and expenses which the House wants to give us if you will assist us in resisting the burden on the Corporation of another layer of regulations which are vague in conception and we believe are rather tortuous in their application.

Senator **WALLOP**. Mr. Berliner, I am just informed that there is no likelihood that that bill will be introduced today.

Mr. **BERLINER**. We understand. We appreciate that, thank you, Mr. Chairman. We think it is critical that the Congress take action within the next 6 months to avoid a lapse in the funding authorization.

Over $800 million in private capital has been realized or pledged for development on the squares west of the FBI Building that is within our jurisdiction, and we believe there is the potential for another half billion dollars of private investment for the eastern squares during this second decade.

We urge the subcommittee's support of the administration bill, or alternatively those provisions of H.R. 1213 which are limited to providing the authorization for salaries and expenses and the U.S. Treasury borrowing authority.

Mr. Chairman, that concludes my testimony.

[The prepared statement of Mr. Berliner follows:]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
425 THIRTEENTH STREET N.W. WASHINGTON D.C. 20004

Statement of Henry A. Berliner, Jr., Chairman
Pennsylvania Avenue Development Corporation

My name is Henry A. Berliner, Jr. On February 8, 1983, the President appointed Arthur A. Fletcher, Carl L. Shipley, and myself to the Pennsylvania Avenue Development Corporation's Board of Directors and designated Mr. Fletcher as Vice-Chairman and myself as Chairman. I am here this morning to address the Subcommittee on the subject of additional legislation for the Pennsylvania Avenue Development Corporation. Joining me at the witness table are two members of the staff: Thomas J. Regan, Executive Director, and Alexander K. Milin, Financial Manager.

It is a privilege to represent the Pennsylvania Avenue Development Corporation as it begins its second decade of progress. As a native Washingtonian, I know Pennsylvania Avenue is a "Main Street" for all of us who have grown up in this city. But I am fully aware that it is, in many ways, a "Main Street" for the entire country in which all Americans can take pride. In the cooperative spirit which motivates the Congress and the Corporation, I pledge to do all in my power to assist the Subcommittee in its oversight and to answer any questions which you may have at any time. We are all particularly gratified that Max Berry, my predecessor, has agreed to remain on the Board and help continue the work of the Corporation which he has ably guided these past two years.

The Pennsylvania Avenue Development Corporation Act of 1972 (Oct. 27, 1972, P.L. 92-578), as amended, does not authorize appropriations for the Corporation's salaries and expenses after September 30, 1983. Also, the Act's $100 million authorized borrowing limit with the U.S. Treasury for land acquisition is insufficient since $99.9 million in borrowing authority has already been appropriated for the Corporation's use. The Corporation's FY 1984 budget request has been submitted to the Congress with the expectation that legislation to authorize additional salaries and expenses and land acquisition appropriations would be forthcoming.

The Administration has proposed a bill which would extend the authorization for appropriation of salaries and expenses funds beyond September 30, 1983. The language of the proposed bill would authorize appropriations of $2,275,000 for salaries and expenses for FY 1984 and such sums as may be necessary for each Fiscal Year from FY 1985 through FY 1988. Additionally, the proposed bill would increase the Corporation's authority to borrow from the U.S. Treasury by $20 million, raising the present authorized ceiling of $100 million to $120 million.

This proposed bill was transmitted to the Senate by a letter dated February 2, 1983, signed by past Chairman Max N. Berry.

Continued authorization for funding the Corporation's salary and administrative expense costs through FY 1988 is certainly consistent with the 1974 Plan's timetable for completion of the entire development program, since the Plan indicates the program will extend throughout the decade of the 1980's and into the early 1990's. Additionally, the 1974 Plan projected that more than $100 million in borrowings would be required in order to acquire real estate in the project area pursuant to the approved development program.

The approval of the proposed legislation by the Congress is essential for the continuation of the Corporation's program. Much development work remains on the eastern squares of the project area, notwithstanding the fact that approximately $800 million in private investment has been realized or pledged on the squares since the Corporation's development program commenced in 1978. This investment figure includes the estimated $107 million now being invested in the renovation of the historic Willard Hotel and its new office addition, as well as the estimated $8 million currently being spent for the restoration of the historic Apex and Mathew Brady buildings at 7th and D Streets in which Sears, Roebuck and Company will locate its future D.C. corporate offices. The proposed extension of the Corporation's salaries and expenses authorizing language and an increase of the present borrowing ceiling will allow the mixed-use program scheduled for the as-yet uncommitted eastern squares to proceed.

The Corporation's program for the development of the eastern portion of the project area is shaped by the land use recommendations of a Corporation study entitled the Eastern Sector Report. The report is the culmination of a 1 1/2 year study undertaken to reexamine the market and urban design assumptions contained in the 1974 Plan. The Eastern Sector Report concludes that the market and urban design concepts have changed since the 1974 Plan was first written, and that the eastern sector development can include substantially more office development while retaining existing functional and historic structures. The recommendations of the Eastern Sector Report have received the support of the Office of Management and Budget.

The Corporation has transmitted copies of this report to the Subcommittee's staff. We would be happy to respond to any questions you may have concerning it.

In summary, I urge the Subcommittee's favorable consideration of the Administration's proposed bill to extend the Corporation's salaries and expenses authorization and increase its authorized borrowing authority with the U.S. Treasury.

Senator **Wallop**. Thank you, Mr. Berliner.

Mr. Regan.

Mr. **Regan**. No, sir.

Senator **Wallop**. Mr. Milin.

Mr. **Milin**. No.

Senator **Wallop**. I understand this is an important piece of testimony, but nonetheless we will take a look at the bill that Chairman McClure will introduce today. You may wish to comment more specifically or further on it.

Mr. **Berliner**. We support the bill, sir.

Senator **Wallop**. Is there any other section of 1213?

[No response.]

Senator **Wallop**. Thank you all very much for coming up this morning.

Mr. William Lienesch, assistant director for Federal activities, the National Parks & Conservation Association.

STATEMENT OF WILLIAM C. LIENESCH, ASSISTANT DIRECTOR OF FEDERAL ACTIVITIES, NATIONAL PARKS & CONSERVATION ASSOCIATION

Mr. **Lienesch**. Thank you, Mr. Chairman.

My name is William Lienesch. I am with the National Parks & Conservation Association. There are four of the bills that you have before you this morning that I would like to make very brief comment about.

As you can see from my statement, it is very short. I would just like to cover some major points. First with respect to S. 287, we are in complete support of the legislation and would hope that you could act very quickly on that.

With regard to S. 542, as noted in my testimony, there are a couple of things that I just wanted to bring to your attention and then in listening to the session this morning, there was one other idea that came to mind.

First, under current law, as you know, a former owner has the right, if it is within 2 years, to have basically a right of first refusal. I am just noting in my comments that while doing away with it may be appropriate, that limitation, you may want to consider an alternative of expanding it to say 5 or 10 years, because especially after 10 years, you may have difficulty finding some owners or the owners may have passed on and there is an estate and there may be administrative problems.

Senator **Wallop**. Are you a lawyer?

Mr. **Lienesch**. No, Sir, I am not.

Senator **Wallop**. I was just curious because one of them did note that they were worried about clouding the title if somebody could not find a former owner, and I assume that we will have to deal with that in some way.

Mr. **Lienesch**. I am really not competent to speak to that.

Senator **Wallop**. I appreciate it, thank you.

Mr. **Lienesch**. Second, I note with regard to subsection C that you may want to consider having some congressional oversite over the expenditure of the moneys that may come in from the sale or transfer of the leasehold or freehold.

Maybe you don't want it subject to appropriations because it might take longer than you envision, but there are provisions now where the appropriations committee or even this committee on certain issues sends a letter approving certain actions and that can be done relatively quickly, but it still keeps congressional oversight over the process.

The third thing that came to my mind, listening to the discussion this morning with regard to the terminology of administration versus acquiring in that first line, again I am not a lawyer so I can't speak to the specific legal interpretation that you use with the term acquiring, but you may have had lands, for example, that have been donated by a local government or an individual who thought this will stay with the Park Service, and they may not have put a reverter in that donation.

Therefore, you wouldn't want those kinds of lands subject to having them, a leasehold or freehold given on them. You may also have certain Federal lands—I know National Parks are excluded—but you may have Federal land, say a wild and scenic river in Alaska that has always been in Federal ownership and you really don't want that transferred.

So at any rate, I think there may be some—when you are looking at that in terms of the Forest Service, there may be some reason to think of it in terms of the Park Service application as well.

Moving on then to the third bill, S. 565, as noted in my testimony, in its current form we cannot support the legislation. Normally, the Park Service will pay for repairing and maintenance of roads it owns.

In this case, it is a State road that it doesn't own. I can assume that there are other roads, and there may be hundreds of miles of other roads in other parks that are in State and local ownership, and this would raise the question should the Park Service pay for those roads as well.

Of course, there are many roads that are under State ownership or local ownership that are entryways to parks but they carry as much traffic as this road does that is really park traffic.

Senator WALLOP. I can think of a couple going to Yellowstone.

Mr. LIENESCH. Right. And should the Park Service pay for the repair of those roads? It could become a very expensive process. And so, we think it is better to keep it the way it has been.

If the Park Service owns it, it takes care of it. If it doesn't, then it is the responsibility of the owner. I would also like to make two brief comments based on the Park Service's testimony.

One, as the legislation is currently written on S. 565, and I believe it is in section 2, it states that moneys could only be used—those amounts would have to have prior appropriation.

The Park Service is saying we will use the money from the Surface Transportation Act. It is my understanding, which may be incorrect, but it is my understanding that that is contract authority and you really don't go through an appropriations process, so that would be inconsistent then if they are going to use that money.

Second, they are proposing the use of visitor use fees to help the cost of the road. I am not commenting whether this is good or bad. There is two things that come to mind.

One, it seems that this is not the first time I've heard this proposed and it seems we are moving in that direction. I think it is good to ask the question "Should we?" and I am not sure that anyone has, and maybe you would like to give some consideration as to if this is a good idea.

And second, Congress does have a prohibition against entrance fees and there is always a kind of gray area—what is a user fee, what is an entrance fee. If you have a gate at the beginning of a highway and you pay $2, most people would say that is an entrance fee and under current law, you wouldn't have that.

So there is a gray area here and I think this needs to be looked at as well. Finally, then, with respect to H.R. 1213, I'm commenting only on those provisions relevant to the park system, and we are in support of that and I would just like to note that there are some other parks that will be needing acquisition ceiling increases, Big Thicket being one and Obed that come to mind, in the near future.

We would hope that those would come up in the subcommittee and you would give attention to those as well. That concludes my statement.

[The prepared statement of Mr. Lienesch follows:]

STATEMENT OF WILLIAM C. LIENESCH
ASSISTANT DIRECTOR OF FEDERAL ACTIVITIES
NATIONAL PARKS & CONSERVATION ASSOCIATION

PRESENTED TO THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
U.S. SENATE
on
S.287, S.542, S.565, and H.R. 1213

April 7, 1983

The National Parks & Conservation Association appreciates the opportunity to testify on S.287, S.542, S.565 and H.R. 1213. We are in total support of S.287 which established the Harry S. Truman National Historic Site. The national significance of this site is without question. We hope that Congress will act very quickly on this legislation.

We are also supportive of S.542. There are two aspects of this legislation that we would like to comment on. First, under current law the Secretary must give the former owner the opportunity to match the highest bid in cases where the land proposed for conveyance was acquired by the Secretary within two years of the proposed conveyance. S.542 would do away with this two year limitation. We would recommend that the Subcommittee consider retaining a time limitation of perhaps five or ten years. After ten years it may be difficult to find a previous owner and, therefore, it may be beneficial for administrative reasons to have a limitation. Second, Subsection (c) would make the proceeds from any conveyance available for land acquisition in the area where the conveyance occurred. We recommend that Subsection (c) be amended to ensure that there is some Congressional oversight of the use of the proceeds. For example, the proceeds could still be credited for land acquisition at the affected area but be subject to appropriation by Congress or approval by the Appropriation Committees.

National Parks & Conservation Association, 1701 Eighteenth Street, N.W., Washington, D.C. 20009
telephone (202) 265-2717

In its current form, we cannot support S.565 which would have the Park Service "...pay up to 100 per centum of the costs of repairing and maintaining the portion of North Carolina Highway Numbered 12 located within the boundaries..." of Cape Hatteras National Seashore. Normally, the Park Serivce pays repair and maintenance costs for roads under its jurisdiction. The right-of-way of North Carolina Highway 12 is owned by the State of North Carolina. If the State were to transfer the right-of-way to the Park Service, then it would be appropriate for the Park Service to provide the funds for repair and maintenance.

Finally, with regard to H.R. 1213, our comments will be limited to those sections applicable to the National Park System. We are in support of these sections. We would only note that there are other park areas that would also benefit from land acquisition ceiling increases including Big Thicket National Preserve and the Obed Wild and Scenic River. We hope that the Subcommittee may be able to give consideration to such areas during this Congress.

We appreciate the opportunity to testify before the Subcommittee and will be happy to answer any questions.

Senator **Wallop**. Thank you very much. I appreciate your coming down here this morning. On S. 542 I really would like to get that flexibility there and then have it used.

Mr. **Lienesch**. Oh, I understand.

Senator **Wallop**. We may be able to force it over the top of them, but we may not be able to make them drink. I hope that we do something that makes it possible that they have a little more flexibility and have some incentive to do it as well.

Whatever help and advice you could give us on that would be most helpful.

Mr. **Lienesch**. I would be happy to work with you as you work through this legislation.

Senator **Wallop**. Thank you very much for coming here this morning. We appreciate your patience in waiting the full 2 hours.

The committee stands adjourned.

[Whereupon, at 11:55 a.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 9 1983

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
MAY 11 1983
WASHINGTON, D.C. 20510

Honorable James A. McClure
Chairman, Committee on Energy and
Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request of March 8, 1983, for the views of the Office of Management and Budget on S. 565, a bill "To require the Secretary of the Interior to enter into an agreement with the State of North Carolina with respect to the repair and maintenance of a certain highway of such State located within Cape Hatteras National Seashore Recreational Area."

The Office of Management and Budget concurs in the views of the Department of the Interior as expressed by Mary Lou Grier, Deputy Director of the National Park Service, in her testimony on S. 565 before the Committee on April 7, 1983. Accordingly, we would oppose enactment of S. 565 unless it is amended as proposed by the Department of the Interior.

Sincerely,

James M. Frey

James M. Frey
Assistant Director for
Legislative Reference

COUNTY OF DARE
MANTEO, NORTH CAROLINA 27954

OFFICE OF THE
BOARD OF COMMISSIONERS
ROBERT V. OWENS, JR., NAGS HEAD
CHAIRMAN
H. R. LANGLEY, MANNS HARBOR
VICE CHAIRMAN
T. B. GRAY, BUXTON
JOE LAMB, JR., KITTY HAWK
ORMAN L. MANN, WANCHESE

P. O. BOX 1000
PHONE (919) 473-2143
SANDRA W. GAMIEL
SECRETARY AND CLERK
TO THE BOARD
DWIGHT H. WHELESS
COUNTY ATTORNEY

April 13, 1983

The Honorable Malcolm Wallop
Chairman, Subcommittee on Public Lands &
Reserved Water of the Committee on
Energy and Natural Resources
United States Senate
Washington, D. C. 20510

Attention: Tony Bevinetto

Dear Mr. Chairman:

This letter is being written on behalf of the Dare County Board of Commissioners in support of Senate Bill 565 which would allow the Department of the Interior to participate in the repair and maintenance of North Carolina Highway 12 on Hatteras Island in Dare County.

It is our belief that the Department of the Interior has a responsibility to help maintain N. C. 12 because it is the only highway that serves the Cape Hatteras National Seashore Park. This road was originally built to serve the several small communities on Hatteras Island. After the construction of the road, the Department of the Interior acquired all of the property on the island with the exception of the conclaves of villages. This added traffic was never anticipated when the road was originally constructed. Therefore, the road was not designed for this additional wear and tear and is badly in need of extensive repair work.

The Dare County Board of Commissioners request your support in the early passage of this bill. We will be most grateful of any help you can give.

Sincerely yours,

Robert V. Owens, Jr.

Robert V. Owens, Jr.
Chairman

RVOjr/pj

LAND OF BEGINNINGS

1983 APR -8 PM 2:25

April 1983

The Honorable Michael Wallop, Chairman
Subcommittee on Public Land and Reserved Water
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Attention Mr. Tony Bevinetto

Dear Senator Wallop:

As a resident of Ocracoke Island on the Outer Banks of North Carolina, I would like to urge you to support Senate bill 565.

The condition of NC 12 down Hatteras and Ocracoke Islands has been poor for many years. Winter storms have made this road almost impassable at the present time.

I urge your committee to pass this bill (565).

Sincerely,

COUNTY OF HYDE
SWAN QUARTER, NORTH CAROLINA 27885

1983 APR 21 AM 11:54

Office, Board of Commissioners
Michael T. Swindell, Currituck
J. B. Berry, Fairfield
J. B. Cahoon, Lake Landing
Irvin S. Garrish, Ocracoke
Morgan H. Harris, Swan Quarter

Lora Mooney Simmons, Register of Deeds
Emily C. Thomas, County Finance Officer
Clifford Swindell, County Manager

April 18, 1983

Senator Michael Wallop
United States Senate
Washington, DC 20510

Attention: Mr. Tony Bevinetto

Dear Senator Wallop:

The Hyde County Board of Commissioners is deeply concerned about a bill that would establish a toll charge on N. C. Highway 12, which is located on North Carolina's Outer Banks. We feel that the toll would be unfair to the people who live on the Outer Banks, since tourism is the most important industry in that area. We are also concerned about the hardship the toll could place on local residents. It would be difficult to distinguish the difference between resident, and non-resident users of the road.

N. C. 12 is the only highway running north & south on the Outer Banks. For some time Federal, State, & Local Governments have been trying to work out solutions to the problems encountered on N. C. Highway 12. We are eager to assist in finding solutions to the problems everyone is experiencing with N. C. Highway 12. However, we feel that the toll is not the appropriate means to solve these problems. Your concern about the condition of this road is deeply appreciated.

Sincerely,

Michael T. Swindell

Michael T. Swindell, Chairman
Hyde County Board of Commissioners

MTS/dg

cc: Senator Jesse Helms
Congressman Walter B. Jones
Senator John East
Governor James B. Hunt, Jr.
Mr. Bill Roberson, Secretary N. C. Dept. of Transportation

North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27611

April 19, 1983

REP. CHARLES D. EVANS
HOUSE DISTRICT 1
HOME ADDRESS: P. O. BOX 909
NAGS HEAD, N. C. 27959
(919) 441-5287
OFFICE ADDRESS: ROOM 1313
LEGISLATIVE BUILDING
(919) 733-5803

COMMITTEES:
BANKS AND THRIFT INSTITUTIONS
CHAIRMAN
APPROPRIATIONS—BASE BUDGET/EXPANSION
COMMITTEES ON GENERAL GOVERNMENT
VICE CHAIRMAN
JUDICIARY III, VICE CHAIRMAN
COMMERCIAL FISHING
GOVERNMENTAL ETHICS
PUBLIC UTILITIES
RULES AND OPERATIONS OF THE HOUSE
STATE GOVERNMENT

The Honorable Michael Wallop, Chairman
Subcommittee on Public Land and Reserved Water
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

ATTN: Mr. Tony Bevinetto In re: Senate Bill 565

Dear Mr. Wallop:

It has come to my attention through newspaper reports that the Senate Committee is holding hearings on the subject of Senate Bill 565, which would require the Secretary of Interior to enter into a contract with the state of North Carolina for the repair and maintenance of North Carolina State Highway 12 within the bounds of the National Park Service properties known as the Cape Hatteras National Seashore. I am writing to advise you, both as a representative of the First House District which includes Dare County and Hatteras Island and also as a native of this area, that I very strongly support this legislation. It has been shown that approximately 85 percent of the traffic on N.C. 12 is as a result of visitors to the National Park Service facilities in the seashore area. This visitation, of course, helps the local economy, but it does take its toll on the highway. I strongly believe and feel that most of the citizens of our area agree that it is appropriate for the National Park Service through the Department of Interior to participate in the costs associated with the repair and maintenance of this highway.

I very much appreciate your considerationof this matter.

My best regards.

Sincerely yours,

Charles D. Evans

Charles D. Evans

CDE/mm
cc: Senator Jesse Helms
Senator John East
Congressman Walter B. Jones
Governor James B. Hunt, Jr.
Marc Basnight, N.C. Board of Transportation
Thomas Hartman, Superintendent, Cape Hatteras Nat. Seashore

S. 680

1983 APR 20 AM 10 29

11609 Facchina Place
Glenn Dale, Maryland 20769
March 29, 1983

The Honorable Malcolm Wallop
United States Senate
Washington, D.C. 20510

Dear Senator Wallop,

The Glenn Dale Senior Cirizens Club membership have recently been informed that Congressman Steny Hoyer has introduced legislation to rename the Baltimore-Washington Parkway in Gladys Spellman's honor. The former Congresswoman is remembered as one who was always available and ready to aide the senior citizen or retiree in our community when the need arose and for this we are truly grateful. We, as a group, feel the renaming of the Baltimore-Washington Parkway to Gladys Noon Spellman Parkway would be a fitting tribute.

As Chairman of the Senate Subcommittee on Public Lands and Reserved Waters of the full Committee on Energy and Natural Resources, we urge you to promptly present this bill to your Committee for endorsement and thus honor a woman who had great concern for her fellow man and especially the older citizen like ourselves.

At this time we would like to thank you for your untiring service to the citizens of this great country we live in.

Sincerely yours,

Herschel C. Kyle

Herschel C. Kyle
President
Glenn Dale Senior Citizens Club

HCK:gmd

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
425 THIRTEENTH STREET N.W. WASHINGTON D.C. 20004

May 16, 1983

Tony Bevinetto, Professional Staff Member
Public Lands and Reserved Water
Dirksen Senate Office Bldg. - Room SD-308
Washington, DC 20510

Dear Mr. Bevinetto:

I am writing to forward to you the enclosed summary of the current status of various square and public improvements projects in the Pennsylvania Avenue Development Corporation's project area.

Please call Al Milin or me if you have any questions.

Very truly yours,

Thomas J. Regan, Jr.
Executive Director

Enclosure

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
425 THIRTEENTH STREET N.W. WASHINGTON D.C. 20004

PADC ACTIVITIES REPORT
MAY, 1983

I. WILLARD ASSOCIATES - SQUARE 225.........................1
II. NATIONAL PLACE - SQUARE 254 1
III. NATIONAL PRESS BUILDING - SQUARE 254 1
IV. PRESIDENTIAL BUILDING ADDITION - SQUARE 322 2
V. EVENING STAR BUILDING - SQUARE 322 2
VI. 1001 PENNSYLVANIA AVENUE - SQUARE 348 2
VII. GALLERY ROW - SQUARE 457 2
VIII. APEX PROJECT - SQUARE 460 3
IX. WESTMINSTER PROJECT - SQUARES 459 and 460 3
X. PUBLIC IMPROVEMENTS.................................... 3

I. WILLARD ASSOCIATES - SQUARE 225 (Pennsylvania Avenue to F Street on 14th Street)

The Willard Hotel is under a long-term lease to a private development team which will be renovating this landmark property and constructing a 210,000 square foot office addition adjacent to it.

The developer is scheduled to begin demolition of the Willard Hotel's west wall, a non-historic element of this landmark-status building, in July, 1983, and to begin construction of the proposed office building addition on the adjacent site in December, 1983.

Certain changes have occurred recently in the composition of the development team which will be carrying out the restoration and construction project. The Corporation has been notified by the Fairmont Hotel Corporation that it has withdrawn as the hotel operator. The project's original architect has also departed; a local Washington, DC firm will replace the original architect for the implementation phase of the project.

II. NATIONAL PLACE - SQUARE 254 (13th to 14th between Pennsylvania Avenue and F Street

The Corporation has leased, on a long-term basis, a major site on Square 254 to a development team composed of the Quadrangle Development and Marriott Corporations. A major multi-use development project is under construction, consisting of office, hotel, and retail uses, as well as the renovation of the National Theatre.

The opening of the office portion of the project and the reopening of the renovated National Theatre remains on schedule for 1983. The hotel and retail elements are scheduled for completion and opening in 1984.

III. NATIONAL PRESS BUILDING - SQUARE 254 (14th and F Street)

The National Press Club Building currently is undergoing a major renovation. This project is contiguous to the National Place project, and will include newly-created retail space which will connect with similar space in the National Place project.

The National Press Building Corporation (NPBC) and the Rouse Company executed a letter agreement to have the Rouse Company lease and manage the retail mall in the Press Club Building. The Rouse Company is preparing a leasing plan that will integrate the NPBC and Quadrangle/Marriott retail spaces into a 125,000 square foot, three-level retail mall.

The National Press Club, NPBC's major stockholder, unanimously approved a revised financing plan for the building's renovation. Completion of the project is still scheduled for the spring of 1985.

IV. PRESIDENTIAL BUILDING ADDITION - SQUARE 322 (11th Street)

The owner of the Presidential Building has received PADC approval to construct an addition over a garage entry on 11th Street. The architect has completed plans for the addition. No construction schedule has been set for this project.

V. EVENING STAR BUILDING - SQUARE 322 (Pennsylvania Avenue and 11th Street)

The Corporation has approved the renovation of the Old Evening Star Building and the construction of an addition to it on the Pennsylvania Avenue side of the block.

The owner/developer of the building has decided to postpone seeking financing and commencing construction until a lease is signed with a major tenant.

VI. 1001 PENNSYLVANIA AVENUE - SQUARE 348 (Pennsylvania Avenue and E Street between 10th and 11th Streets)

The Corporation had previously approved the development of a 750,000 square foot office and retail complex on Square 348. The developer, concerned about the prospects of currently marketing such a large amount of office space in one phase, applied for and has received approval from the Corporation to construct the project in two phases instead.

The developer is continuing efforts to sign a major tenants for the building.

VII. GALLERY ROW - SQUARE 457 (7th and D Streets)

The Gallery Row project, approved previously by the Corporation, is scheduled for development on land purchased by the Corporation in 1978 and leased on a long-term basis to developers who will be preserving existing building facades in the construction of new office and commercial gallery space.

Initial site preparation work has recently begun.

VIII. APEX PROJECT - SQUARE 460 (Pennsylvania Avenue and 7th Street)

Renovation and construction work continues on the historic Apex building and the adjacent Mathew Brady buildings, properties now owned by Sears, Roebuck and Company. When the construction work is completed late this year, Sears will use the buildings as its D.C. Corporate headquarters and the center for its international business operations.

IX. WESTMINSTER PROJECT - SQUARE 459 and 460 (Pennsylvania Avenue to Indiana Avenue between 6th and 7th Streets)

The Corporation has given preliminary approval to a multi-use development project on Squares 459 and 460. This project, in addition to having office and hotel space, will include the first new housing to be developed in the PADC project area. The developer's application to the D.C. Zoning Commission for a Planned Unit Development (PUD) zoning status for the project is continuing.

The developer anticipates that site demolition activity will begin this year.

X. PUBLIC IMPROVEMENTS

Pennsylvania Avenue 13th to 14th Street (North of Western Plaza) Project construction is about 32% complete and on schedule. Completion is scheduled by the end of the summer of 1983.

Pennsylvania Avenue 10th to 13th Street - Project construction is about 99% complete.

Pennsylvania Avenue 6th to 10th Street - Project construction is about 85% complete. Completion is scheduled for November, 1983.

John Marshall Park - On May 10, 1983, John Marshall Park was formally dedicated and opened for public use and enjoyment. At a brief noon-time ceremony, dignitaries from the U.S. Courts, the Federal Government, and the City spoke of the importance of the park to Pennsylvania Avenue and the city's revitalization. The keynote speaker was Chief Justice Warren E. Burger, who was accompanied by Supreme Court Just William Rehnquist. Chief Justice Burger spoke of the greatness and lasting contributions of the chief justice for whom the park is named.

STATEMENT OF U. S. SENATOR HOWELL HEFLIN
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
APRIL 7, 1983

MR. CHAIRMAN, I GREATLY APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE THIS SUBCOMMITTEE ON H.R. 1213, THE PUBLIC LANDS AND NATIONAL PARKS ACT OF 1983. AT THE OUTSET, LET ME SAY THAT I WOULD LIKE TO COSPONSOR THIS LEGISLATION.

I AM ESPECIALLY SUPPORTIVE OF SECTION 11 OF THIS BILL, AND WOULD LIKE TO EXPLAIN BRIEFLY MY REASONS FOR SO DOING.

AS YOU ARE PROBABLY WELL AWARE BY NOW, SECTION 11 OF H.R. 1213 PROVIDES FOR THE CONVEYANCE BY THE UNITED STATES TO THE STATE OF FLORIDA OF ITS REVERTER AND RESERVED MINERAL INTERESTS IN APPROXIMATELY SIXTY-NINE HUNDREDTHS (0.69) OF AN ACRE OF LAND IN THE STATE OF FLORIDA IN EXCHANGE FOR THE CONVEYANCE TO THE UNITED STATES OF MARKETABLE TITLE TO AN APPROXIMATELY 1.10 ACRE PARCEL OF LAND.

IMMEDIATELY UPON RECEIPT OF TITLE TO THE 1.10 ACRE PARCEL OF LAND, THE FEDERAL GOVERNMENT -- BY WAY OF THE SECRETARY OF INTERIOR -- WOULD BE REQUIRED TO CONVEY TO THE STATE OF FLORIDA THE SAME PARCEL OF LAND, RESERVING TO ITSELF A RIGHT OF REVERTER and all mineral interests. This land swap is being proposed legislatively because there is no available administrative remedy. The State of Florida sought a waiver of the Federal Government's reversionary interests, but the Secretary of Interior did not and does not have the authority to waive such interests. Section 11 of H.R. 1213 would provide the relief which the State of Florida is seeking by allowing the State to make this land swap subject to the reverter and reserved mineral interests remaining in the United States.

Mr. Chairman, it is my understanding that a subject encroachment occurred in this manner. Venture Out at Panama City/Beach, Inc., developed a condominium adjacent to the St. Andrews State Recreation Area and sold the units to individuals. Later it was discovered that the fence line constructed along what was thought to be the St. Andrews-Venture Out, Inc. boundary is not correct. The fence line encroaches on the St. Andrews State Recreation Area by 14 feet along the length of the boundary. This 13 - 14 foot corridor constitutes the subject sixty-nine hundredths (0.69) of an acre encroachment upon the land owned by the State of Florida (St. Andrews State Recreation Area) in which the Federal Government has certain reverter and reserved mineral interests.

Upon enactment into law of this legislation and completion of the land swap heretofore described in Section 11 of H.R. 1213, THE FEDERAL GOVERNMENT WOULD HAVE THE RIGHT OF REVERTER AND MINERAL INTERESTS IN THE SUBJECT 1.10 ACRE PARCEL OF LAND IN BAY COUNTY TO BE ACQUIRED BY THE STATE OF FLORIDA. ALL ADMINISTRATIVE COSTS OF THE EXCHANGE WOULD BE PAID BY THE STATE.

MR. CHAIRMAN, IT IS MY UNDERSTANDING THAT THE UNITED STATES DEPARTMENT OF INTERIOR HAS NO OBJECTION TO THE ENACTMENT OF SECTION 11 OF H.R. 1213. AS YOU KNOW, THIS LEGISLATION PASSED THE HOUSE ON MARCH 8, 1983, AND WAS REFERRED TO THE SENATE TWO DAYS LATER.

I URGE PROMPT, FAVORABLE ACTION ON THIS BILL. AGAIN, I APPRECIATE THE OPPORTUNITY TO TESTIFY ON THIS LEGISLATION.

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